PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 PM Public Hearings begin **August 20, 2026**

AGENDA

REGULAR MEETING 7:00pm

I. PRESENTATIONS

A. Presentation on Capital Improvement Plan Process

II. APPROVAL OF MINUTES

A. Approval of the July 16, 2026 meeting minutes.

III. CITY COUNCIL REFERRALS

A. Parking Regulations

B. Housing Action Plan

C. Heritage Commission

IV. OTHER BUSINESS

A. **409** and **411 Lafayette Road** – Post Approval Waiver Request

B. Board discussion of Regulatory Amendments & other matters

- **i.** Site Plan Review Regulation Amendments
- **ii.** Subdivision Ordinance Amendments
- **iii.** Historic District Boundary Amendments
- **iv.** Article 10 Amendments

C. Chairman updates and discussion items

V. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom; a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_skEj_ibKRYWSrQkB6I-k9A

City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP
Assistant Planning Director

Date: August 14, 2026

Re: Recommendations for the August 20, 2026 Planning Board Meeting

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I. PRESENTATIONS

Receive a presentation on the Capital Improvement Plan Process

Background

The Capital Improvement Plan (CIP) is both a financial and infrastructure planning tool that sets forth a multi-year schedule and financing strategies for accomplishing public capital projects that both maintain safe quality city infrastructure and assist in the achievement of Citywide Goals. Careful development of and adherence to the CIP ensures that needed capital projects are accomplished within the City's financial capability. In combination with the annual City budget, the Capital Improvement Plan has a significant impact on the planned allocation of fiscal resources and is thus one of the most important documents considered by the City Council.

State/Local Regulatory Context

RSA 674.5: Capital Improvement Program

"674:5 Authorization. – In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years.…

The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and

effect of the capital improvements program shall be to aid the mayor or selectmen and the budget committee in their consideration of the annual budget."

City Charter

City Charter Section 7.6 - Capital Program:

The Manager shall prepare and submit to the Council a six (6) year capital program at least three (3) months prior to the final date for submission of the budget (May 15). The program shall include:

- *A general summary of its content;*
- *A list of all capital improvements proposed during the next six (6) fiscal years;*
- *Cost estimates, methods of financing, recommended time schedules for each improvement; and*
- *Estimating annual operating and maintenance costs.*

The purpose of the CIP is to:

1. Implement needed improvements on a scheduled basis
   - Provides a complete picture of the City's major development needs
   - Coordinates activities of various City departments and agencies
   - Assists in implementing recommendations of the City's Master Plan
2. Forecast future allocation of fiscal resources
   - Establishes fiscal priorities for projects
   - Aids in the proper utilization of funding sources
3. Help plan for future City expenditures
   - Discourages piecemeal improvements and duplication of expenditures
4. Ensure capital project needs are provided within the City's financial capability
   - Informs the taxpayers of anticipated future improvements
   - Helps to schedule major projects to avoid large fluctuations in the tax rate

As used in the CIP, a capital improvement project is defined as a major fiscal expenditure that falls into one or more of the following categories:

- ✓ Land acquisition;
- ✓ Construction or expansion of a public facility, street, utility or public infrastructure;
- ✓ Rehabilitation of a public facility or public infrastructure provided the cost is $50,000 or more;
- ✓ Design work or planning study related to a capital project or implementation of the Master Plan;
- ✓ Any item or piece of equipment, non-vehicular in nature, that costs more than $50,000 and has a life expectancy of 5 or more years; or
- ✓ Replacement and purchase of vehicles which have a life expectancy of more than 5 years or cost more than $50,000.

Plan Development Process

The capital planning process is coordinated by the Finance and Planning Departments under the direction of the City Manager. Capital project requests are initially formulated by City department heads and submitted to the Finance Department. Members of the public may also submit project requests, which are reviewed by City departments and incorporated into the departmental project submissions as appropriate.

CIP projects originate from three sources.

- ✓ Capital Improvement Plan from the Prior Fiscal Year
- ✓ City Staff
- ✓ Residents

Staff works to update the prior year's CIP projects to reflect the current status, project needs and costing. After city departments and residents submit their new requests for capital project, staff works with the City Manager to prioritize them by utilizing the following:

- **Project requirements** – Is the project required to meet legal, compliance, or regulatory requirements?
- **Timing** – How soon does the project need to be implemented to address the needs identified?
- **Strategic alignment** – To what extent is the project aligned with other city projects, policies, processes?
- **Public value** – How much value does the outcome of this project provide to the general public? How much public support is there for implementing this project?
- **Finance planning** – Is the project fundable in the time frame identified, are there available funding sources for this project?

Although the factors above are consistently utilized in the prioritization process, other factors, such as urgent community needs or public health and safety, may also contribute to the final project placement, allowing the process to be nimble and responsive to emerging community needs.

Planning Board and City Council Adoption

Beginning in 2024, the Planning Board and City Council held a joint work session and joint public hearing to streamline the process to allow the Council to adopt the CIP in December. This same adoption process is proposed this year as is presented in the timeline below. Once adopted, the CIP is utilized in the development of the annual budget in accordance with RSA 674.5.

Financing

Capital improvement projects are funded by a variety of sources. These funding sources include: General Fund (GF) Capital Outlay; Federal/State Grants; Bond or Lease; Revenues (Parking, Water and Sewer); State Revolving Loan Fund (SRF) and Public Private Partnerships (PPP).

General Fund – Capital Outlay – One method used for financing capital projects is through the use of the General Fund – Capital Outlay. The General Fund includes the money raised by the local property tax for a given year. When a project is funded with General Fund revenues, its entire cost is paid off within the year. The intent is to budget annually a certain amount from the General Fund (approximately 2% of previous Fiscal Year General Fund total Budget) to address City General Fund priorities.

Grants – One source of grants is from other levels of government, for example, the Environmental Protection Agency, the NH Department of Health and Human Services, U.S. Housing and Urban Development, NH Department of Environmental Services, and the NH Department of Transportation. Generally, these Federal and State sources provide an outright grant or matching funds to go with locally raised funds. The City also pursues non-governmental private grants when applicable.

General Obligation Bonds – Bonds are used to finance major municipal capital projects. These are issued for a period of time generally extending from ten to thirty years during which time principal and interest payments are made. They are secured by the full faith and credit of the Municipal Government. This type of payment has the advantage of allowing the costs to be amortized over the life of the project and of allowing taxpayers or rate payers to pay a smaller amount of the project's cost at a time. However, they do commit the City's resources over a long period of time and decrease the flexibility of how yearly revenues can be utilized. The City's bonding capacity is a limited resource. All projects that are to be bonded should meet minimum eligibility criteria and must have a useful life of at least equal to the bond terms. **Projects that are funded through bonds must go through an additional process, after the adoption of the CIP and the budget, of authorization by the City Council after a public hearing.**

Revenues – The City has two established Enterprise Funds (Water and Sewer). The needs for these two divisions are met through the revenues raised from providing that particular service. Therefore, there is no impact on the City's tax rate. Additionally, the City has established a Parking and Transportation Fund (Special Revenue Fund). Revenues derived from the City's parking functions are transferred to this fund in order to operate the City's parking and traffic-related activities.

State Revolving Loan Fund (SRF) – This is a program offered through the NH Department of Environmental Services for the purpose of providing low-interest rate funding for approved water pollution control projects. State approval of applications does not bind the City to any of the individual projects but does lock into a low-interest rate loan. Upon completion of projects, the loan becomes a serial bond payable by the City of Portsmouth Sewer or Water Fund to the State of NH. In addition, the City applies for State Aid Grant (SAG) funding to assist in repaying SRF loans up to 30% of the total project cost.

Public Private Partnership – This method of financing involves joint funding of a particular project between the City and one or more private sector or non-governmental partners. This method is used for projects that will benefit the partners and help to minimize costs to local taxpayers.

Deciding on which method of financing should be selected for a given project depends on a number of factors. These include the cost of the project, its useful life, the eligibility of the project to receive funds from other than local taxes, long-term and short-term financial obligations of the City and a project's relative priority in terms of implementation. The Capital Improvement Plan seeks to maximize the potential benefits from all revenue sources.

Timeline

- August 17, 2026 - City Council CIP Presentation
- **August 20, 2026 - Planning Board CIP Presentation**
- September 18, 2026 - Citizens/Committee Requests Deadline
- September 25, 2026 - City Departments Submission Deadline
- September 18 - October 2, 2026 – Staff review Citizen Requests
- October 8, 2026 – City Council Citizen Requests Subcommittee
- **November 12, 2026 – CIP Joint Work Session – City Council & Planning Board 6:00 pm**
- **November 16, 2026 - Joint Public Hearing City Council & Planning Board**
- **November 19,2026 - Planning Board Meeting Vote to Recommend CIP to City Council**
- December 7, 2026 - City Council Adoption of CIP

II. APPROVAL OF MINUTES

A. Approval of the July 16, 2026 meeting minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the July 16, 2026 meeting and vote to approve meeting minutes with edits if needed.

III. CITY COUNCIL REFERRALS

A. Parking Regulations

The draft zoning amendments would remove off-street parking requirements from the Zoning Ordinance and relocate them to the Site Plan Review Regulations. The City Council referred these amendments to the Planning Board in September 2025 following recommendations from the Housing Committee. The Board may advance the zoning amendments to the City Council at this time while continuing to consider related changes to the Site Plan Review Regulations. If advanced at this meeting, the zoning amendments would be before the City Council for first reading on September 14. The Planning Board could then vote at its September 17 meeting on the corresponding Site Plan Review Regulation amendments incorporating parking standards.

Planning Department Recommendation

Vote to recommend the City Council hold first reading on the proposed Zoning Ordinance amendments as presented/as amended.

B. Housing Action Plan

Background

The City Council, at their August 3, 2026 meeting, referred the Housing Action Plan (HAP) for review and comment. The plan builds upon more than a decade of housing studies, public engagement, zoning updates, and policy initiatives, and is intended to provide a practical framework for increasing housing opportunities, improving affordability, and supporting implementation of the City's ongoing Master Plan update. The HAP was developed by staff and the Housing Committee and referred to the City Council. Two public meetings will be held, September 23rd and September 28th. Before responding to the City Council's referral, the Planning Board may want to wait until after the public meetings.

Planning Department Recommendation

Vote to continue review of the Housing Action Plan until after completion of the scheduled public meetings on September 23 and September 28, and request that staff return with a summary of public comments and any recommended revisions.

C. Heritage Commission

At the July 13, 2026 City Council meeting, the Council voted to request the Planning Board review the potential establishment of a Heritage Commission and report back to City Council by September 28, 2026. Below is the excerpt from the Council meeting minutes where this was discussed:

Discussion followed about historic homes, concerns with losing valuable heritage buildings and historical information. A Heritage Commission would help provide additional review processes and preservation of naturally occurring affordable housing, apply for grants and education around preservation.

In researching this for the staff memo, the New Hampshire Preservation Alliance has a webpage on Heritage Commissions found here. It compares the work of a Heritage Commission as advisory to other boards and commissions, similar to that of a Conservation Commission. Establishment of a Heritage Commission would create a body that could conduct historic surveys, provide public outreach and education about historic resources, apply for grants, and serve an advisory role to the land use boards on certain applications that contain historic resources. A Heritage Commission may advise, educate, and recommend, but generally cannot prohibit demolition. If the City's primary concern is preventing the loss of historic buildings, additional regulations would still be required.

Portsmouth currently has two mechanisms for addressing historic resources; the Historic District Commission, which has regulatory authority within the Historic District; and the Demolition Review Ordinance (DRO), which provides a process for review and possible delay of demolition permits involving structures outside of the Historic District.

The Demolition Ordinance provides notice requirements for demolition of structures for applications that are not before a land use board. If an application is before a land use board it is exempt from the DRO. Otherwise, the DRO provides for an objection process that triggers convening the Demolition Review Committee, which conducts a public hearing to receive testimony from the public. The Committee cannot prevent demolition but can further delay demolition up to the maximum time allowed in the ordinance. The Demolition Review Committee has met 3 times in the past 9 years, with three times between 2018 and 2019.

If the main concern is demolition of existing structures outside of the Historic District, the DRO could be amended to require review of buildings of a certain age, increase delay period, require certain documentation of significant buildings prior to demolition, and establishing criteria for determining significance of a structure, to name a few.

In addition to amending the DRO, the City could consider the creation of a secondary historic preservation district which would be administered by the HDC and focus on demolition review. This would utilize the existing expertise of the HDC and would create a regulatory framework as opposed to a Heritage Commission, which would only be advisory.

Determining the primary objectives of the Council will inform the appropriate course of action. If the primary objective is to prevent demolition of historic structures outside of the Historic District, then review of the existing ordinance and possible creation of a secondary district may provide the solution. If the objective includes public education, historic resource inventories, grant funding, and advocacy then creation of a Heritage Commission might be the appropriate solution.

IV. OTHER BUSINESS

A. 409 – 411 Lafayette Road – Post-Approval Waiver Request

Background

This 2-lot subdivision was approved by the Planning Board at the February 19, 2026 meeting and have since been working on their post-approval conditions. The applicant is requesting a post-approval waiver from Section IX.1 of the Subdivision Rules and Regulations, which requires the posting of an installation bond or certified check to guarantee completion of required subdivision improvements. The approved project is a two-lot subdivision at 409 and 411 Lafayette Road and does not involve the construction of new public infrastructure. The applicant states that utilities serving the existing front lot have already been upgraded and that utility work required for the rear lot will be constructed within the Lafayette Road right-of-way under a City excavation permit subject to Department of Public Works inspection and restoration requirements. The applicant contends that a subdivision performance bond would be redundant and create an unnecessary expense.

Under Section X of the Subdivision Rules and Regulations, only the Planning Board has the authority to waive provisions of the regulations by a vote of 6 members, provided the waiver does not nullify the intent of the regulations or the Master Plan. Accordingly, the waiver request has been brought before the Planning Board for its review and determination

Planning Department Recommendation Subdivision Waiver

Vote to grant the requested waiver from Section IX.1 of the Subdivision Ordinance.
[NOTE: Motion maker must select one of the following options]:

a) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

[or]

b) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

B. Board Discussion of Regulatory Amendments and Other Matters

i. Site Plan Review Regulation Amendments

Background

In response to the Planning Board's discussion at the July meeting to further streamline the parking regulations, the proposed amendments to the Site Plan Regulations (SPR) simplify the parking regulations while retaining the standards necessary for effective site plan review. The current draft replaces the prior use-specific parking table with a smaller number of broad use types, simplifying the parking table while preserving a useable framework for determining parking requirements.

The amendments eliminate several detailed provisions carried over from the Zoning Ordinance, including the shared parking occupancy and associated percentage reduction tables. These have been replaced with performance-based standards that allow parking reductions, shared parking arrangements, and other parking modifications when the applicant demonstrates that anticipated parking demand can be met.

In addition, loading area requirements have been simplified by replacing use-specific standards with review criteria based on the scale and operation of the proposed use. The amendments consolidate parking reductions, shared parking, off-site parking, reserve parking, and parking demand analysis provisions into a single Parking Flexibility section. The amendments retain parking stall dimensions, aisle widths, accessible parking requirements, pedestrian circulation requirements, and other parking facility design standards.

Planning Department Recommendation on Site Plan Regulation Amendments

Vote to schedule a public hearing on the proposed amendments to the Site Plan Review Regulations at the September 17, 2026 Planning Board meeting.

ii. Subdivision Ordinance Amendments

The current definition of "abutter" in the Subdivision Ordinance is below:

Abutter: Any person who owns land within two hundred (200) of the boundaries of the land under consideration.

Based on the recent change to NH State law and to be consistent with recent zoning amendments the Board forwarded to City Council, staff recommends the following change to the definition of abutter in the Subdivision Ordinance:

Abutter: A person or entity meeting the definition of "abutter" contained in RSA 672:3, as amended.

Planning Department Recommendation on Subdivision Ordinance Amendments
Vote to schedule a public hearing on the proposed amendments to the Subdivision Ordinance at the September 17, 2026 Planning Board meeting.

iii. Historic District Boundary Amendments

The background below was included in the January 22, 2026 staff memo on this topic.

<u>Background</u>
The current boundary extending out of downtown along New Castle Avenue and Middle Street is a distance of 150 feet on either side, which bisects parcels and, in some cases, buildings. It also includes parcels that do not front on Middle Street. The revised proposal removes the 150-foot boundary and instead includes the entire parcel that fronts the street or corner and removes or includes parcels that are currently bisected by the district.

At the November 20, 2025 Planning Board meeting, the Board referred two parcels (43 and 53 Austin Street) to the Historic District Commission (HDC) for a recommendation back on whether these two parcels should be included in the Historic District.

The HDC met at their regular meeting on Wednesday, December 3, 2025 and voted not to recommend including the properties at 43 and 53 Austin for the following reasons:

1. One property (43 Austin Street) is already deed restricted and has levels of protection that our existing Historic District wouldn't necessarily add to.

2. Adding the properties would be misaligned with the Methodology of redefining the boundaries, which is to include properties abutting Middle Street.

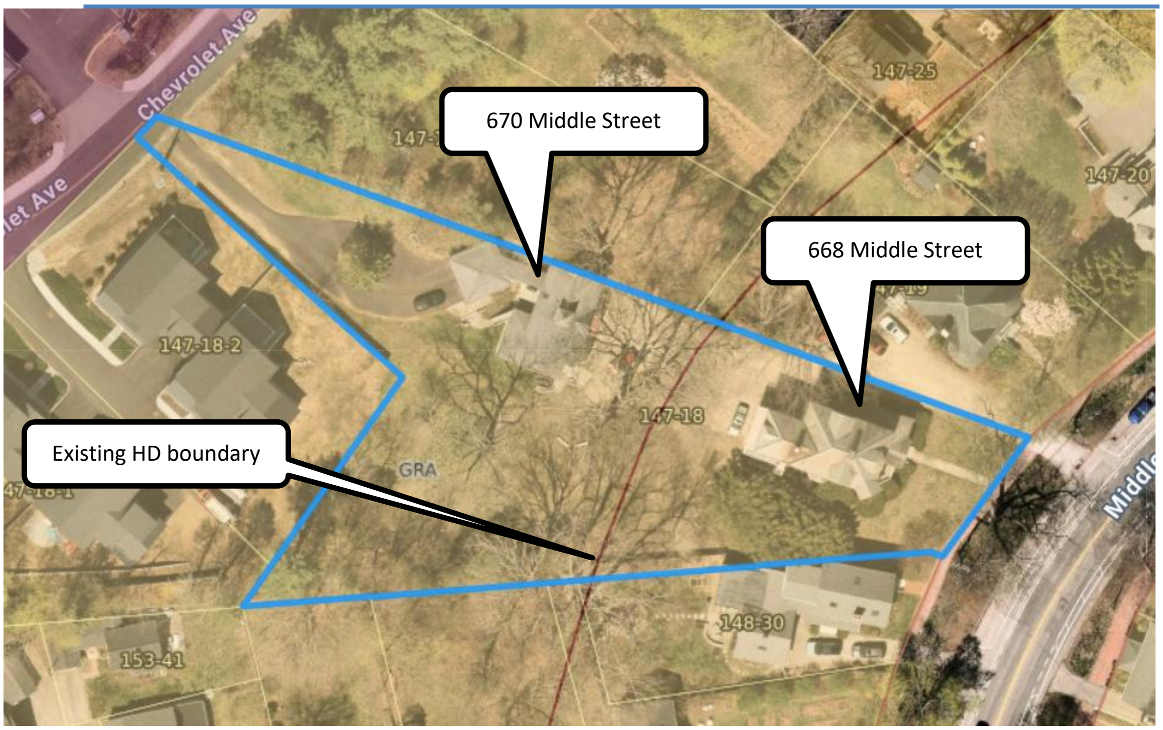
3. The Commission would prefer to move forward with the boundary revisions as originally drafted but would like to have further future discussions during the Master Plan process on the future of the district.

As stated in the action of the HDC above, further discussions about the boundary of the district are desired through the Master Plan process. At the January 22, 2026 Planning Board meeting, the Board voted to table consideration of the amendments until the Master Plan process was complete.

<u>Update</u>
The Planning Board and HDC held a work session at the June 18, 2026 Planning Board meeting and discussed moving forward with the proposed changes along the Middle Street section of the Historic District.

At the July 8, 2026 HDC meeting, the Commission discussed the boundary along Middle Street and did not have any additional changes on their original recommendation to the Planning Board for the boundary changes along Middle Street.

There are two large properties along Middle Street that are proposed to be included in the District in their entirety, 668 - 670 Middle Street and 873 Middle Street. Both of these lots have two dwellings located on them, each with one fronting on Middle Street and the other unit located towards the back of the lot. A letter included from the owner of 670 Middle Street requesting that their house not be included in the expansion and states the common area denoted on their condo plan follows the existing historic district boundary.



873 Midde Street contains 2 buildings and 4 condo units. The map below shows the main house fronting on Middle Street and the second dwelling located at the rear of the lot, currently not in the Historic District. This lot is similar to 668 Middle Street in that the Historic District boundary bisects the lot between the two dwellings.

Planning Department Recommendation

Vote to recommend the City Council schedule first reading on the proposed Historic District map amendments as presented/as amended.

iv. Article 10 Amendments

At the July meeting, draft amendments to Article 10 were distributed to the Board for review. The Conservation Commission has been working on amendments to this section over the past few months and their current draft is included in the packet.

C. Chairman's Updates and Discussion Items

VI. ADJOURNMENT

PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 PM Public Hearings begin **July 16, 2026**

MEMBERS PRESENT: Rick Chellman, Chairman; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas**,** William Bowen, Ryann Wolf; and Alternates Frank Perier and Logan Roy

ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS EXCUSED: Karen Conard, City Manager; Vice-Chair Anthony Coviello

Chair Chellman called the meeting to order at 7:00 p.m. Alternates Frank Perier and Logan Roy took voting seats for the evening.

I. APPROVAL OF MINUTES

A. Approval of the **June 18, 2026** meeting minutes.

Mr. Giuliano moved to ***approve*** *the minutes as presented, seconded by Mr. Samonas. The motion passed with all in favor.*

II. DETERMINATIONS OF COMPLETENESS

SITE PLAN REVIEW

A. WITHDRAWN The request of **Regan Electric CO INC (Owner)**, and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall Street** requesting Site Plan Review approval. **WITHDRAWN**

III. PUBLIC HEARINGS - OLD BUSINESS

A. WITHDRAWN The request of **Regan Electric CO INC (Owner),** and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall Street** requesting Site Plan Review approval to merge the two lots, demolish the existing buildings, and construct three (3) single-family dwellings with associated site improvements. Said property is located on Assessor Map 139 Lots 1, 8 and lies within the Mixed Residential Business (MRB) District. **WITHDRAWN**

The Board acknowledged the request to withdraw the application.

IV. PUBLIC HEARINGS – NEW BUSINESS

A. The request of **Griffin Road Realty LLC (Owner)**, for property located at **218 Griffin Rd** requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the construction of a new mobile trailer loading dock, new security fencing/gates, and added ADA accessible parking spaces. The project includes removing existing asphalt in the loading dock area and replacing with concrete and installation of a new chain link fence, all within existing impervious areas. This project proposes a permanent impact of approximately 5,181 s.f. within the 100' wetland buffer. Said property is located on Assessor Map 263 Lot 1-5 and lies within the Industrial (I) District. (LU-26-78)

SPEAKING TO THE PETITION [Timestamp 7:52]

Project Engineer Drew Olehowski was present on behalf of the applicant. He explained how FedEx wanted to revise their loading dock scheme. He reviewed other minor improvements like new gates and signs and a chain link fence to improve security.

[Timestamp 9:42] Councilor Moreau asked what the difference was between the amount of square footage that the plan would impact and what the Conservation Commission approved, which was a difference of about 428 square feet. Mr. Olehowski said the difference was the additional area that would be saw cutting. He said they had to replace some extra pavement area to naturally slope down into the concrete pad. Chair Chellman confirmed that only the loading dock would be covered. Mr. Samonas asked if it would be a temporary or long-term solution. Mr. Olehowski said it would be long term. Chair Chellman said the initial plan had more tractor trailing parking and asked if it was still necessary. Mr. Olehowski said they were not proposing it but might in the future. He said they addressed all the Conservation Commission's comments and conditions and that they would add the minor notes about wetland delineations to the plan.

Chair Chellman opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Chellman closed the public hearing.

DECISION OF THE BOARD [Timestamp 14:30]

1) Mr. Giuliano moved that the Board find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact <u>as presented</u>. Mr. Almeida seconded. The motion passed with all in favor.

*2) Mr. Giuliano moved that the Board **grant** the Conditional Use Permit with the following **conditions**:*

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. It is recommended for this location *that wetland boundary markers be considered along the guardrail or behind the guardrail on top of the bank. These should be placed every 50' within the wetland buffer and should not go outside of the area of site work.*

Mr. Almeida seconded. The motion passed with all in favor.

V. PRELIMINARY CONCEPTUAL CONSULTATION

A. The request of **St. Nicholas Greek Orthodox Church (Owner)**, for property located at **0 Lafayette Road** requesting Preliminary Conceptual Consultation for the construction of an 11,200 square foot, 15-unit apartment building with associated site improvements. Said property is located on Assessor Map 229 Lot 6A and lies within the Gateway Neighborhood Mixed Use (G1) District. (LUPD-26-3)

[Timestamp 16:05] Joe Coronati of Jones and Beach Engineers was present on behalf of Martini Northern LLC. He said the proposal was to build a 3-story,15-unit apartment building with parking below and in the back of the property. He said the project would not affect the wetlands. He said the Tour restaurant would construct a sidewalk in front of their building that would tie into their project and that the cul-de-sac would stay at the end of Ledgewood Drive.

[Timestamp 19:41] Mr. Samonas asked if a fire truck turnaround was proposed. Mr. Coronati said it was a small site but that he would consider it. Landscaping and lighting were discussed. Mr. Coronati said their parking lot would not connect to the church's parking lot. He said they would figure out a way to continue the existing pathway from their building to the school until the Tour restaurant's sidewalk was complete. He said the sidewalk and other improvements were part of the approval. He said the forest had mostly mature hardwoods and that they proposed a berm and a planting plan for the back edge, which the abutters were aware of. He said the apartments would be market rate rentals, a space would be dedicated for package deliveries, and the stormwater feature would service only the property and not the church.

VI. CITY COUNCIL REFERRALS [Timestamp 29:00]

A. The request of Banfield Realty LLC (Owner), for property located at 375 Banfield Road requesting to be rezoned from Industrial (I) to Gateway Neighborhood Mixed Use (G1) District. Said property is located on Assessor Map 266 Lots 7, 7-1.

Attorney Chris Kelly representing Banfield Realty LLC and Green Valley Realty LLC was present, with the owner Rob Graham and Adam Morrill of PROCON. Attorney Kelly explained that the property was the subject of complex litigation related to its environmental condition and that the applicant took steps to clean up the property, but the litigation was at a standstill until there was clarity about the likely future of the property. He said time was of the essence because the party's litigation did not have the information they needed to scope out the parameters of potential settlement terms. Chair Chellman asked if the litigation was still pending and if the City was a part of that. Attorney Kelly said it was still pending but the City was not a part of it, although there was still active litigation between the parties. He said it related to the cleanup of the property and who would bear the responsibility and costs for that.

[Timestamp 32:50] Mr. Morrill explained what a potential zoning change would mean for the potential density and layout of the project. He reviewed the existing conditions of the neighborhood and adjacent sites. He said the Gateway zoning would be an opportunity to create diverse work opportunities and connectivity to the Community Campus and natural resource protection districts and would provide a better land use transition from Industrial zoning. He said the general area to the east of Banfield Road was a specific opportunity zone and that the project would be market rate multi-family and affordable mixed housing. He reviewed the six priority objectives and the zoning and land use plan. He said the two buildings would contain about 238 units, with parking below one building. He said the existing grading on the site would limit the applicant's impact on the wetlands.

[Timestamp 45:03] Mr. Guiliano said the letter from Attorney Kelly mentioned the previously-approved industrial concept for the parcel. Mr. Morrill said it was approved in 2022. Mr. Stith confirmed that the applicant was granted permits to vest site plan approval. He said they demolished the buildings and did grading and remediation. Mr. Samonas said there was significant traffic congestion at St. Patrick's School and did not think adding over 238 residents would help. Mr. Morrill said a full traffic study would be done. Mr. Bowen verified that the request was to rezone both sites. He said the Board previously approved a warehousing portion on the north part of the site and left the cleaning on the south part in limbo. He said they were now at a point where they were almost a year into the Master Plan process, and clusters had been identified to do developmental activity but the applicant's proposal was not included in those. He said there was a reason things are industrial, one of which is to protect residents from inherent environmental implications of certain types of industrial activity, and he said that was a valid consideration on this site. He said he knew the applicant needed to go forward but did not understand why the Board should feel that sense of urgency, given that they were in the middle of reviewing the entire zoning for the City. He asked why the Board should do spot zoning for the site. Attorney Kelly said there had to be a cleanup in order for the property to be safe for people who live there and for industrial users, and until the applicant knew what the potential use of the property would be, they would not know how much it would cost. A baseline was discussed. Councilor Moreau said Banfield Road was a small, narrow one and she did not know if it was structured to be able to handle that much intensity. She thought an analysis should be done to see if it would be appropriate. She said she also wanted see how all the adjacent lots were used. Attorney Kelly said they would address those issues at the site plan review. Mr. Samonas said the City did not have to yield to the project's timelines of litigation, and he did not think it was wise to jump ahead to a parcel not yet talked about in the Master Plan process.

[Timestamp 58:12] Chair Chellman said the Gateway zoning might have been seen as the applicant's only relief valve but they were proposing only a residential project, and a different zone that allowed that might serve the applicant's needs. The owner Mr. Graham said that particular Gateway area was all commercial businesses that needed employees, and he felt that it was a place where workforce housing should be, with employees who could walk or ride a bike to. Chair Chellman said there was a difference between the applicant's Gateway and the zoning Gateway, which was intended to be a mixed use. He verified that the City still had an easement to the back and, given the traffic condition on Banfield Road, he encouraged the applicant to make a formal connection to the east. Mr. Graham said they would explore both the road and the path. He said they were concerned that if they used something as a baseline, the property could require millions of dollars more than that baseline to construct. He said they did not see an industrial baseline as a viable project. Mr. Almeida said Banfield Road was a challenge no matter what the use of the site would be, and he thought the idea of workforce housing was a good one. He said the City Council adopted Gateway zoning amendments to increase the supply and diversity of housing stock in the City, so he thought the applicant's request was valid for the Board to continue considering. Chair Chellman agreed but said the applicant's plan did not rise up to what the land could support. Mr. Bowen suggested not approving or disapproving the item until the Board could consider it in the context of the Master Plan. Chair Chellman said the Board was obligated to make a recommendation based on the applicant's request and that the Board could ask the Master Plan consultants to consider another zone that would allow multi-family residences. Spot zoning was discussed.

[Timestamp 1:20:52] Attorney Kelly asked the Board to consider the second option, the inclusion of the Banfield Road Corridor on the Master Plan. Chair Chellman said it was just changing from Industrial to Gateway Neighborhood G1 and adding it to the Master Plan to get feedback from them, but it was also to get a broader review of the Banfield Road Corridor. It was noted that the project could relieve the City's housing problem, but if the area was made all residential it would cause a traffic problem and remove it from mixed use.

DECISION OF THE BOARD [Timestamp 1:28:30]

Councilor Moreau moved that the Board refer the request from Banfield Realty LLC to rezone 375 Banfield Road from Industrial (I) possibly to Gateway Neighborhood Mixed Use Corridor (G1) District to the Master Plan process for consideration as part of a broader review of the Banfield Road corridor, so that the Planning Board can then make a referral to City Council. Mr. Giuliano seconded. The motion passed with all in favor.

VII. OTHER BUSINESS [Timestamp 1:30:06]

A. The request of **Giri Portsmouth 505 INC** (Owner), for property located at 505 US Route 1 Bypass requesting a **1-Year Extension** for the Site Plan approval and Wetland Conditional Use Permit for an electric vehicle charging station originally granted on July 17, 2025.

DECISION OF THE BOARD

Councilor Moreau moved that the Board grant a one-year extension of the Site Plan and Wetland Conditional Use permit to July 17, 2027. Mr. Almeida seconded. The motion passed with all in favor.

B. **Board Discussion of Regulatory Amendments and Other Matters** [Timestamp 1:31:00]

i. Zoning Amendments

ii. Site Plan Regulations

Chair Chellman said the applicant for the McIntyre project was in favor of having a joint meeting with the Historic District Commission. Mr. Stith said the applicant would have a work session with the Technical Advisory Commission in August, so the HDC joint meeting could be held in September and the exact date could be decided upon. Chair Chellman asked the Board to vote on whether joint meeting and hearing sections to the Planning Board's rules should be added.

Chair Chellman said Mr. Stith had been working on getting parking out of zoning and into the site plan. Councilor Moreau asked that it be worded simpler. It was further discussed. It was decided that the site plan regulations issue needed a public hearing. Off-street parking for visitors and clearer parking guidelines were discussed. Mr. Stith said the other proposed amendment was to remove the 300-ft setback from the property line requirement and just go with what was required by state statute. He said an agenda noticing system was implemented last fall and 65 people signed up for Planning Board notifications, which was above what was required by state statute. It was further discussed. He said another change was the Conditional Use Permit (CUP) section, where there were often site plan approvals that had CUPs tied in. He said currently a CUP was good for a year and then a one-year extension, and he explained why there could be a two-year extension. He said it would be for things like Wetland CUPs or outdoor dining CUPs that are often not in conjunction with site plans, but if the Wetland CUP is in conjunction with the site plan, it would go with the site plan.

DECISION OF THE BOARD [Timestamp 1:35:11]

Councilor Moreau moved that the Board add the joint meetings and hearing sections to their rules and procedures. Mr. Almeida seconded. The motion passed with all in favor.

Councilor Moreau moved that the Board recommend City Council hold first reading on the proposed zoning amendments as presented for notice of abutters and Conditional Use Permit extensions. Ms. Wolf seconded. The motion passed with all in favor.

C. Chairman Updates and Discussion Items

i. Article 10 DRAFT

No action was taken.

VIII. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Submitted,

Joann Breault
Planning Board Meeting Minutes Taker

Section 10.240 Conditional Use Permits

10.241 General

10.241.10 A conditional **use** is a use of land or **building**s within a zoning district that may be authorized by this Ordinance subject to additional requirements. A conditional use permit allows the Planning Board or other such Board or person as may have jurisdiction to consider **use**s which may be desirable or appropriate in particular cases, but which are not allowed as a matter of right within a zoning district.

10.241.20 This Ordinance authorizes the following general types of conditional **use** permits:

10.241.21 Conditional **use** approval is required for any **use** designated "CU" in Section 10.440 – Table of Uses.

10.241.22 Conditional **use** approval is required for most **use**s, activities and alterations in a **wetland** or **wetland buffer** (Article 10, Section 10.1010 – Wetlands Protection).

10.241.23 Conditional **use** approval may be granted to allow flexibility of site or **building** design where specifically authorized by the Ordinance but not listed in Section 10.440. These include the following provisions:

(a) Character Districts (Article 5A)
- Increase in allowed **building** footprint subject to specified **development** standards;
- Provision of required **community space** on a different **lot** than the **development**;
- Crediting or assignment of excess **community space** in an Incentive Overlay District.

(b) Gateway Districts (Article 5B)
- More than 24 **dwelling unit**s in a **building**;
- More than one **principal building** or building type on a **development** site;
- Increased housing density, **building height**, or footprint.

~~(c) Off-Street Parking (Article 11)~~
- ~~Less than the minimum number of required spaces or more than the maximum number of allowed spaces;~~
- ~~Shared parking.~~

(d) Highway Noise Overlay District (Article 6)
- **Noise sensitive land uses**

(Character Districts)
10.5A44 Off-Street Parking and Loading Requirements

10.5A44.10 General

10.5A44.11 ~~Except as otherwise provided in this Section, all **building**s, **structure**s and **use**s in the Character districts and Civic districts shall comply with the **off-street parking** requirements set forth in Section 10.1110.~~ The number of required parking spaces shall be provided in accordance with the Site Plan Review Regulations.

10.5A44.12 **Building**s, **structure**s and **use**s in the Character districts and Civic districts that are also within the Downtown Overlay District shall comply with the additional standards in Section 10.643.

10.5A44.20 Number of Required Spaces

10.5A44.21 **Use**s in the Character districts and Civic districts that are not located in the Downtown Overlay District shall provide **off-street parking** in accordance with the Site Plan Review Regulations ~~Section 10.1112~~.

10.5A44.22 **Use**s in the Character districts and Civic districts that are included in the Downtown Overlay District shall comply with the **off-street parking** requirements for the Downtown Overlay District in accordance with the Site Plan Review Regulations ~~Section 10.1115~~.

10.5A44.23 Subject to approval by the Planning Board, any portion of the required **off-street parking** spaces may be dedicated to public use.

10.5A44.30 Parking, Loading, and Driveway Locations and Standards

10.5A44.31 All **off-street parking** spaces shall be located at least 20 feet behind any **façade** of a **principal building**, except when in an **underground parking level**. This restriction shall not apply to **off-street parking** for a **single-family** or **two-family dwelling**.

10.5A44.32 **Parking lot**s and loading areas shall be screened from the **street** by a **building** or **streetscreen** except for any **driveway**.

10.5A44.33 Driveways at the street and within a required front yard shall be no wider than 24 feet.

10.5A44.34 All **parking lot**s, **garage**s, and **parking structure**s shall include a pedestrian exit directly to a **front lot line**.

10.5A44.35 The above-ground portion of a parking structure or garage shall have a liner building at least the height of the ground floor along the entire width of any front yard except for driveways and pedestrian entrances.

10.5A44.36 A **parking lot** containing more than 75 parking spaces shall have least one internal pedestrian walkway at least 8 feet wide that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

10.5A44.40 Parking Lot Landscaping

Parking lots that contain 10 or more spaces shall conform to the following:

10.5A44.41 Landscape islands:

(a) **Parking lot**s shall contain one landscaped island for every 10 parking spaces.
(b) A **parking lot** with more than one landscaped island shall have such islands distributed throughout the **parking lot**.
(c) Each landscaped island shall be a minimum of 325 square feet.

10.5A44.42 Trees:

(a) **Parking lot**s shall contain at least one tree for every 7 parking spaces.
(b) No parking space shall be more than 75 feet from a tree within the **lot**, as measured from the center of the tree to the nearest line demarcating the space.
(c) All trees shall be separated from paved surfaces by at least 3 feet.

10.5A44.43 All **landscaping** required pursuant to this Section 10.5A44.40 shall be located and designed in a manner to protect the vegetation from vehicular damage.

10.5A44.50 Loading Docks, Storage and Service Areas

Loading docks, storage and service areas shall not be permitted between the **principal building** and any **front lot line**.

(Gateway)

Section 10.5B80 Parking and Loading Requirements and Standards

10.5B81 General

10.5B81.10 ~~Except as otherwise provided in this Section, all **building**s, **structure**s, uses, and **development site**s in the Gateway Neighborhood Mixed Use Districts shall comply with the **off-street parking** and loading requirements set forth in Section 10.1110 and Section 10.1120.~~ Required parking shall be provided in accordance with the Site Plan Review Regulations.

10.5B82 Number of Required Spaces

10.5B82.10 Uses in the Gateway Neighborhood Mixed Use Districts shall provide **off-street parking** in accordance with the Site Plan Review Regulations, ~~Section 10.1112~~, except as follows:

a) For **development**s located on a public transit route with year-round, 5-days-per-week, fixed-route service and where at least 50% of the **building**(s) are within ¼ mile of a transit stop, the minimum **off-street parking** required for motor vehicles shall be reduced by 20% of the total required for all **use**s.

10.5B83 Location of Motor Vehicle Parking Facilities

10.5B83.10 Required **off-street parking** spaces shall not be located between a **principal building** and a **street** or within any required perimeter buffer area.

10.5B83.20 **Development site**s that include multiple **lot**s shall not be subject to ~~the requirements of 10.1113.10~~ requiring **off-street parking** spaces to be located on the same **lot** as the principal **use**. **Off-street parking** spaces shall be located within the same **development site** for the principal **use** they are intended to serve.

Section 10.5B90 Pedestrian Access and Circulation

10.5B91 Pedestrian walkways shall provide connections through the **lot**/site to the public **street** right-of-way, and between the **lot**/site and **adjacent** land **use**s.

10.5B92 At least one 8-foot wide pedestrian walkway shall be provided throughout the **lot**/site, connecting **adjacent street**s, **accessway**s, **sidewalk**s and **off-street parking** areas to the entrances of all **principal building**s.

10.5B93 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the **use** of paving materials, **landscaping**, or other means.

10.5B94 A **lot**/site with more than one **principal building** or **off-street parking** area shall include an internal pedestrian network that provides logical and direct routes for pedestrians throughout site.

10.5B95 **Parking lot**s shall include internal walkways spaced not more than 150 feet apart. Where possible, these walkways shall be aligned to connect with major **building** entries or other destinations.

(GNOD)
10.685 Parking

In the GNOD, the shared parking provisions of Section 4.6 of the Site Plan Review Regulations ~~10.1112.62~~ shall apply, and shared parking shall be permitted on separate **lot**s, whether in common ownership or separate ownership ~~without the requirement of a conditional use permit~~. The provisions of Section 4.7 ~~10.1113~~ of the Site Plan Review Regulations (Location of Vehicular Use Facilities) shall not apply to a GNOD **development**.

Coliving:

~~**10.815.30 Parking Requirements**~~

~~10.815.31 Motor vehicle parking shall be required for **Coliving Facilitie**s as follows:~~

~~1. If any part of the **Coliving Facility** is located within 600 feet (approximately a 2.5-minute walk) of a public parking garage, No parking required.~~

~~2. If no part of the **Coliving Facility** is located within 600 feet (approximately a 2.5-minute walk) of a public parking garage, off-street parking is required at the rate of 1 space per every 4 **Coliving Unit**s.~~

Article 11 Site Development Standards

Section 10.1110 Off-Street Parking

10.1111 General

10.1111.10 The purpose of this Article, as amended, is to (a) retain off-street parking requirements for single-family and two-family dwellings; (b) delegate all other off-street parking requirements to the Site Plan Review Regulations. ~~The purposes of Section 10.1110 are to manage parking supply to serve development needs without compromising community character or contributing to increased housing development costs. These purposes will be achieved by calibrating **off-street parking** requirements to demands, promoting shared parking arrangements for complementary uses, and providing for flexibility in the administration of **off-street parking** standards.~~

10.1111.20 All new **building**s and **structure**s, as well as additions to or changes in **use** or intensification of **use** in existing **building**s and **structure**s, shall be provided with **off-street parking** spaces in accordance with this Section.

10.1111.30 A **use** that is **nonconforming** as to the requirements for **off-street parking** shall not be enlarged or altered unless **off-street parking** is provided for the original **building**, **structure** or **use**s and all expansions, intensifications or additions sufficient to satisfy the requirements of this Section.

10.1111.40 For all other uses including multifamily, nonresidential, and mixed-use development, or a change of use, the number of required off-street parking spaces and all related provisions (including shared/off-site parking, reserve parking, bicycle parking, and electric-vehicle parking) are established and administered under the Site Plan Review Regulations.

10.1112 Number of Required Parking Spaces

~~10.1112.10 General Requirements and Interpretation~~

~~10.1112.11 The number of required **off-street parking** spaces shall be based on the **use**s on the **lot**, as specified in Section 10.1112.30.~~

~~10.1112.12 For any permitted **use** not covered by Section 10.1112.30, the **Code Official** shall determine the closest similar **use** listed in that table and require **off-street parking** accordingly.~~

~~10.1112.13 Specially designated parking spaces for the physically disabled shall be provided in compliance with the **Building Code** (see **International Building Code**, Section 1106).~~

~~10.1112.14 The Planning Board may grant a conditional use permit to allow a **building** or **use** to provide less than the minimum number of **off-street parking** spaces required by Section 10.1112.30, Section 10.1112.61 or Section 10.1115.20, as applicable, or to exceed the maximum number of **off-street parking** spaces allowed by Section 10.1112.51.~~

~~10.1112.141 An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of **off-street parking spaces** is sufficient for the proposed **use**.~~

~~10.1112.142 An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/microtransit services or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate **lot** subject to the requirements of 10.1112.62.~~

~~10.1112.143 The Planning Board may grant a conditional use permit only if it finds that the number of **off-street parking** spaces required or allowed by the permit will be adequate and appropriate for the proposed **use** of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.~~

~~10.1112.144 At its discretion, the Planning Board may require more **off-street parking** spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.~~

~~10.1112.20 Calculation of Number of Required Spaces~~

~~10.1112.21 The number of required **off-street parking** spaces shall be the sum of the requirements for the various individual **use**s on a **lot** computed separately.~~

~~10.1112.22 Where the computation of required **off-street parking** spaces results in a fractional number, the computation shall be rounded up to the next whole number.~~

~~10.1112.23 Parking spaces occupied by **EV** chargers and supporting equipment may count towards minimum parking requirements.~~

10.1112.~~1030~~ Off-Street Parking Requirements

~~*10.1112.31 Parking Requirements for Residential Uses*~~

~~10.1112.311~~ The required minimum number of **off-street parking** spaces for single- and two-family dwellings ~~**use**s 1.10 through 1.90, including **dwelling unit**s in mixed-use developments~~, shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
500 Sq. ft. or less	0.5 spaces per unit
Over 500 sq. ft.	1.0 space per unit

~~10.1112.312 In addition to the **off-street parking** spaces provided in accordance with Sec. 10.1112.311, any **dwelling** or group of **dwelling**s on a **lot** containing more than 4 **dwelling unit**s shall provide one visitor parking space for every 5 **dwelling unit**s or portion thereof.~~

~~10.1112.20 **Parking Compliance for Change of Use**~~

~~Any change of use that does not require Site Plan Review shall be subject to the following:~~

~~a) comply with the parking requirements in the Site Plan Review Regulations.~~

~~b) The Planning Director may require submission of documentation, including a parking plan or existing and proposed parking counts, sufficient to demonstrate compliance.~~

~~A change of use shall not create a new nonconformity or increase an existing nonconformity related to parking.~~

~~*10.1112.32 Parking Requirements for Nonresidential Uses*~~

~~10.1112.321 The required minimum number of **off-street parking** spaces for **use**s other than 1.10 through 1.90 shall be based on the following table.~~

~~**Table of Minimum Off-Street Parking Requirements for Nonresidential Uses**~~

~~Use No.~~	~~Use~~	~~Requirement~~
~~**2. Institutional Residence or Care Facilities**~~		
~~2.10-2.20~~	~~**Assisted living facility** or **Residential care facility**~~	~~0.5 per bed or resident~~
~~**3. Educational, Religious, Charitable, Cultural and Public Uses**~~		
~~3.10~~	~~**Place of assembly**~~	~~0.4 per seat (fixed seating), or 1 per 4 persons **maximum occupancy** of assembly area, or Parking demand analysis~~
~~3.20~~	~~School~~	~~Parking demand analysis~~
~~3.30~~	~~**Historic preservation building**~~	~~No requirement~~

~~Use No.~~	~~Use~~	~~Requirement~~
~~3.40~~	~~**Museum**~~	~~Parking demand analysis~~
~~3.50~~	~~**Performance facility**~~	~~0.4 per seat (fixed seating), or~~ ~~Parking demand analysis~~
~~3.60~~	~~Cemetery~~	~~No requirement~~
~~3.70~~	~~**Club, fraternal or service organization**~~	~~Greater of:~~ ~~- 1 per 4 persons **maximum occupancy**~~ ~~- 1 per 200 sf GFA~~
~~3.80~~	~~Municipally operated park and related activities~~	~~No requirement~~
~~**4. Recreational Uses**~~		
~~4.10~~	~~Religious, sectarian or private non-profit recreational use~~	~~Parking demand analysis~~
~~4.20~~	~~Cinema or similar indoor amusement **use** with no live performance~~	~~0.4 per seat, or~~ ~~Parking demand analysis~~
~~4.30~~	~~Indoor recreation **use**, such as bowling alley or arcade~~	~~1 per 4 persons **maximum occupancy**~~
~~4.40~~	~~Health club, yoga studio, martial arts school, or similar **use**~~	~~1 per 250 sf GFA~~
~~4.50~~	~~**Outdoor recreation use**~~	~~Parking demand analysis~~
~~4.60~~	~~**Amusement park**, **water park** or **theme park**~~	~~NA – Prohibited Use~~
~~**5. Office Uses, Non-Medical**~~		
~~5.10-5.30~~	~~Professional, business and financial services~~	~~1 per 350 sf GFA~~
~~5.40~~	~~**Social service campus**~~	~~Apply standards for component uses~~
~~5.50~~	~~Media studio~~	~~1 per 1,000 sf GFA~~
~~5.60~~	~~Publishing facility or similar electronic production operation~~	~~1 per 1,000 sf GFA~~
~~5.70~~	~~**Call Center**~~	~~1 per 250 sf GFA~~
~~**6. Medical Services and Health Care**~~		
~~6.10~~	~~**Hospital**~~	~~Parking demand analysis~~
~~6.20~~	~~**Medical office**s and **clinics** (outpatient only)~~	~~1 per 250 sf GFA~~
~~6.30~~	~~**Clinics** with inpatient care~~	~~Greater of:~~ ~~- 2 per bed~~ ~~- 1 per 250 sf GFA~~
~~6.40~~	~~Ambulatory surgical center~~	~~1 per 250 sf GFA~~

~~Use No.~~	~~Use~~	~~Requirement~~
~~6.50~~	~~**Substance abuse treatment facility**~~	~~Parking demand analysis~~
~~6.60~~	~~Psychiatric hospital for the criminally insane~~	~~NA – Prohibited Use~~
~~**7. Services, Other Than Health Care**~~		
~~7.11~~	~~**Family day care facility**~~	~~4 spaces (including 2 for the single-family dwelling)~~
~~7.12~~	~~**Group day care facility** including private preschool and kindergarten~~	~~0.5 per client or student based on licensed enrollment capacity~~
~~7.20-7.40~~	~~**Personal services**, Consumer services, and Trade, craft and general services~~	~~1 per 400 sf GFA~~
~~7.50-7.60~~	~~**Veterinary care** and Laundry and dry cleaning **establishment**s~~	~~1 per 500 sf GFA~~
~~7.70~~	~~Undertaking **establishment**, funeral parlor or mortuary chapel, excluding crematorium~~	~~1 per 25 sf of floor area for public occupancy~~
~~**8. Retail Trade**~~		
~~8.10-8.90~~	~~All retail trade uses~~	~~1 per 300 sf GFA~~
~~**9. Eating and Drinking Places**~~		
~~9.10-9.50~~	~~All eating and drinking places~~	~~1 per 100 sf GFA~~
~~**10. Lodging Establishments**~~		
~~10.10-10.20~~	~~**Boarding house** or **Bed and breakfast**~~	~~2 + 1 per room for rent~~
~~10.30-10.40~~	~~**Inn, hotel** or **motel**~~	~~1.25 per guest room +~~ ~~1 per 100 sf of lounge or restaurant area +~~ ~~1 per 25 sf of conference or banquet facilities~~
~~10.50-10.60~~	~~Conference **hotel** or Conference center~~	~~Parking demand analysis~~
~~**11. Motor Vehicle-Related Uses**~~		
~~11.10, 11.30~~	~~Sales, renting or leasing of vehicles, marine craft, power equipment, etc.~~	~~1 per 600 sf GFA +~~ ~~1 per 2000 sf outside display or storage area~~
~~11.20~~	~~**Motor vehicle service station, motor vehicle repair** or washing facility for passenger cars and **light truck**s~~	~~2 + 1 per 400 sf GFA~~ ~~**EV fueling spaces A** and **B** may count towards minimum parking requirements.~~
~~11.40~~	~~**Impound lot** (principal or **accessory use**)~~	~~No requirement~~
~~11.50~~	~~**Truck fueling facility**~~	~~4 spaces~~
~~11.60~~	~~**Truck terminal**~~	~~1 per 2000 sf GFA +~~

~~Use No.~~	~~Use~~	~~Requirement~~
		~~3 per loading dock~~
~~12. Marine Craft Related Uses~~		
~~12.11~~	~~Non-commercial boat landings, boat docks, boathouses, etc.~~	~~No requirement~~
~~12.12~~	**~~Fishing boat landing 1~~**	~~4 spaces~~
~~12.13~~	**~~Fishing boat landing 2~~**	~~Parking demand analysis~~
~~12.20-12.40~~	~~**Marina**, repair of commercial marine craft and **marine-related structure**s, or **landside support facility** for **commercial passenger vessel**~~	~~Parking demand analysis~~
~~13. Wholesale Trade, Warehousing and Distribution~~		
~~13.10~~	**~~Wholesale use~~**	~~1 per 2000 sf GFA~~
~~13.20~~	~~**Wholesale sales** devoted to, and in the same **establishment** as, a permitted retail use~~	~~1 per 2000 sf area devoted to wholesale~~
~~13.30~~	~~Wholesale lumber yards, lumber and contractor sales~~	~~No requirement~~
~~13.40~~	~~Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a **high hazard use**~~	~~1 per 2000 sf GFA~~
~~14. Industrial Uses~~		
~~14.10-14.20~~	~~**Light industry** or **Research and development**~~	~~1 per 500 sf GFA~~
~~14.30-14.50~~	**~~Food processing, Electronics manufacturing, General manufacturing~~**	~~1 per 1000 sf GFA~~
~~14.60~~	~~Biological or chemical laboratory~~	~~1 per 500 sf GFA~~
~~14.70~~	~~**Recycling facility** or **recycling plant**~~	~~No requirement~~
~~14.80~~	~~**High hazard use**, including other **use**s listed in this section but not including **use**s described in 14.90~~	~~Parking demand analysis~~
~~14.90~~	~~Storage (other than normal **accessory use**), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, **junk** or hazardous waste as classified by Federal or State law~~	~~NA – Prohibited Use~~

~~Use No.~~	~~Use~~	~~Requirement~~
~~**15. Transportation and Utilities**~~		
~~15.10~~	~~Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any **business office**, storage yard or storage **building**~~	~~No requirement~~
~~15.20~~	~~**Heliport** or **helipad**~~	~~No requirement~~
~~**16. Wireless Telecommunications Facilities**~~		
~~16.10-16.40~~	~~All wireless telecommunications facilities~~	~~No requirement~~
~~**17. Agricultural Uses**~~		
~~17.10-17.20~~	~~All agricultural use~~	~~No requirement~~
~~**18. Temporary Uses**~~		
~~18.10~~	~~**Construction trailer**~~	~~No requirement~~
~~18.20~~	~~**Temporary structure**~~	~~No requirement~~
~~18.30~~	~~**Manufactured housing** not on a foundation, as temporary replacement housing for a **dwelling** on the same **lot** destroyed by natural causes~~	~~2 spaces (single-family dwelling)~~
~~18.40~~	~~Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food~~	~~No requirement~~
~~**19. Accessory Uses**~~		
~~19.10~~	~~**Accessory use** to a permitted **principal use** (not otherwise specified in this section), but not including any **outdoor storage**~~	~~No requirement~~
~~19.20~~	~~**Home occupation**~~	~~No minimum requirement (maximum 1 space for the home occupation)~~
~~19.30~~	~~Concessions and services located within the **principal building**~~	~~No requirement~~
~~19.40~~	~~**Drive-through facility**, as **accessory use** to a permitted **principal use**~~	~~No requirement~~
~~**20. Accessory Storage**~~		
~~20.10 – 20.60~~	~~All accessory storage uses~~	~~No requirement~~

~~10.1112.322 Where the table lists a general **use** category without the subcategories, the parking ratio shall apply to all subcategories within that category (for example, the parking ratio shown for **use** number 2.10 applies to **use**s 2.11 and 2.22).~~

~~10.1112.323 Where the table indicates that the minimum required number of **off-street parking** spaces shall be based on a parking demand analysis, the applicant shall submit such analysis for review by the Planning Board. Where the table indicates that a parking demand analysis is an alternative to a specified ratio, the applicant may submit such analysis to justify a ratio different from that listed in the table. In either case, the Planning Board may approve the number of parking spaces proposed by the analysis, or may approve a greater or lesser minimum number of parking spaces based on its review.~~

~~10.1112.324 Where the minimum number of **off-street parking** spaces is based on **maximum occupancy**, the applicant shall submit a code analysis showing the occupant load for the proposed **use** determined in accordance with the Building Code.~~

~~10.1112.40 Reserve Parking Area~~

~~When Section 10.1112.30 requires the provision of 20 or more **off-street parking** spaces, the Planning Board may approve the construction of fewer **off-street parking** spaces than required, subject to the following:~~

~~10.1112.41 A "Reserve Parking Area" shall be designated that is sufficient to accommodate the difference between the number of spaces required and the lesser number actually provided.~~

~~10.1112.42 The site plan shall clearly delineate the Reserve Parking Area and shall demonstrate that it is sufficient to accommodate the additional parking spaces in accordance with the requirements of this Section.~~

~~10.1112.43 The Reserve Parking Area shall be landscaped with grass, ground covers and/or other plant materials, but shall not be counted toward any minimum **open space** requirement.~~

~~10.1112.44 The Reserve Parking Area shall not be used as snow storage area and shall not contain any **structure** or mechanical equipment.~~

~~10.1112.50 Maximum and Minimum Number of Parking Spaces~~

~~10.1112.51 The number of **off-street parking** spaces for any **building** or **use** shall not exceed the following amounts:~~

~~Minimum Number of Spaces Required by Section 10.1112.30~~	~~Maximum Number of Spaces Allowed~~
~~0-20~~	~~No maximum~~
~~21 or more~~	~~120 percent of minimum~~

~~10.1112.60 Shared Parking~~

~~*10.1112.61 Methodology*~~

~~Developments that contain a mix of uses on the same parcel shall reduce the number of **off-street parking** spaces in accordance with the following methodology:~~

~~(1) Determine the minimum number of **off-street parking** spaces for each land **use** within the development in accordance with Sections 10.1112.10 through 10.1112.50.~~

~~(2) Multiply the minimum parking requirement for each land use by the corresponding parking occupancy rates for each of the five time periods set forth in Columns (B) through (F) of the Parking Occupancy Rates table below.~~

~~Parking Occupancy Rates~~

~~(A) Land Use~~	~~Weekday~~		~~Weekend~~		~~(F) Nighttime (Midnight - 6:00 AM)~~
	~~(B) Daytime (8:00 AM - 5:00 PM)~~	~~(C) Evening (6:00 PM - Midnight)~~	~~(D) Daytime (8:00 AM - 5:00 PM)~~	~~(E) Evening (6:00 PM - Midnight)~~	
~~Residential~~	~~60%~~	~~100%~~	~~80%~~	~~100%~~	~~100%~~
~~Office/ Industrial~~	~~100%~~	~~20%~~	~~10%~~	~~5%~~	~~5%~~
~~Retail/Service~~	~~60%~~	~~90%~~	~~100%~~	~~70%~~	~~5%~~
~~Hotel/Motel~~	~~70%~~	~~100%~~	~~75%~~	~~100%~~	~~100%~~
~~Restaurant~~	~~70%~~	~~100%~~	~~80%~~	~~100%~~	~~10%~~
~~Entertainment~~	~~40%~~	~~100%~~	~~80%~~	~~100%~~	~~10%~~
~~Conference/ Convention~~	~~100%~~	~~100%~~	~~100%~~	~~100%~~	~~5%~~
~~Place of Worship*~~	~~10%~~	~~5%~~	~~100%~~	~~50%~~	~~5%~~
~~Other Institutional~~	~~100%~~	~~20%~~	~~10%~~	~~10%~~	~~5%~~

~~* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.~~

~~(3) Add the resulting shared parking requirements for each time period to determine the minimum parking requirement for that period.~~

~~The required minimum number of parking spaces for the development shall be the highest of the five time-period totals.~~

~~*10.1112.62 Shared Parking on Separate Lots*~~

~~The Planning Board may grant a conditional use permit to allow a reduction in the number of required **off-street parking** spaces for uses on separate **lot**s, whether in common or separate ownership, subject to the following:~~

~~(1) The shared parking requirement may be determined using the methodology in Section 10.1112.61, or by another method approved or required by the Planning Board.~~

~~(2) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.~~

~~10.1113 Location of Vehicular Use Facilities~~

~~10.1113.10 Proximity to Principal Use~~

~~10.1113.11 All required **off-street parking** spaces shall be located on the same **lot** as the **principal use** they are required to serve except as follows:~~

~~10.1113.111 Required parking spaces may be located on a separate **lot** from the **principal use** which they serve where a municipally owned or operated covered parking facility is constructed as part of the overall **development**.~~

~~10.1113.112 The Board of Adjustment may authorize a special exception for the provision of required parking on another **lot** in the same ownership as the **lot** in question and within 300 feet of the property line of the **lot** in question.~~

~~10.1113.12 In no case shall parking be permitted within any Residential or Mixed Residential District other than that which is accessory to a **principal use** allowed within the district.~~

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10.1113.20 Location of Parking Facilities on a Lot

Required **off-street parking** spaces ~~shall not~~ may be located in any required front yard, or between a **principal building** and a **street** (including on a **corner lot**)~~. This restriction shall not apply to required **off-street parking**~~ for a **single-family dwelling** (including the combination of a **single-family dwelling** and an **accessory dwelling unit**) or **two-family dwelling**.

~~10.1113.30 Minimum Distance from Residential and Mixed Residential Zoning Districts~~

~~10.1113.31 **Off-street parking** areas, **accessways**, maneuvering areas and traffic aisles serving **uses** in a Business or Industrial district shall be set back from all Residential and Mixed Residential districts as follows:~~

~~District~~	~~Minimum Distance from Residential or Mixed Residential District~~
~~B~~	~~50 feet~~
~~GB, GW~~	~~100 feet~~
~~I, OR, WI~~	~~100 feet~~

~~10.1113.32 **Off-street parking** areas, **accessways**, maneuvering areas and traffic aisles serving a nonresidential **use** on a **lot** in a Mixed Residential district that abuts a Residential district shall be set back at least 10 feet from the~~

~~Residential district boundary and shall be screened in accordance with the screening standards of the Planning Board's Site Plan Review Regulations.~~

~~10.1113.40 Setback from Lot Lines~~

~~10.1113.41 **Off-street parking** areas, **accessway**s, maneuvering areas and traffic aisles serving **use**s in a Business or Industrial district shall be set back from **front lot line**s as follows:~~

~~District~~	~~Minimum Setback from **Front Lot Line**~~
~~B~~	~~20 feet~~
~~GB, GW~~	~~40 feet~~
~~I, OR, WI~~	~~50 feet~~

~~10.1113.42 In a Residential zoning district, **off-street parking** spaces for a **home occupation use**, including **family day care** and **group day care**, shall be set back at least 10 feet from side and rear property lines and shall be screened in accordance with the screening standards of the Planning Board's Site Plan Review Regulations.~~

~~10.1113.43 All required **setback**s of **off-street parking** areas from front property lines shall be landscaped in accordance with the **landscaping** and screening standards of the Planning Board's Site Plan Review Regulations.~~

~~10.1114 Design of Off-Street Parking Facilities~~

~~10.1114.10 Applicability~~

~~The provisions of this Section 10.1114 shall apply to all **off-street parking** facilities, whether in parking **structure**s or surface **lot**s, and whether or not the parking spaces are required or in excess of the requirements for a **use**, except as specifically exempted herein.~~

~~10.1114.20 Stall Layout~~

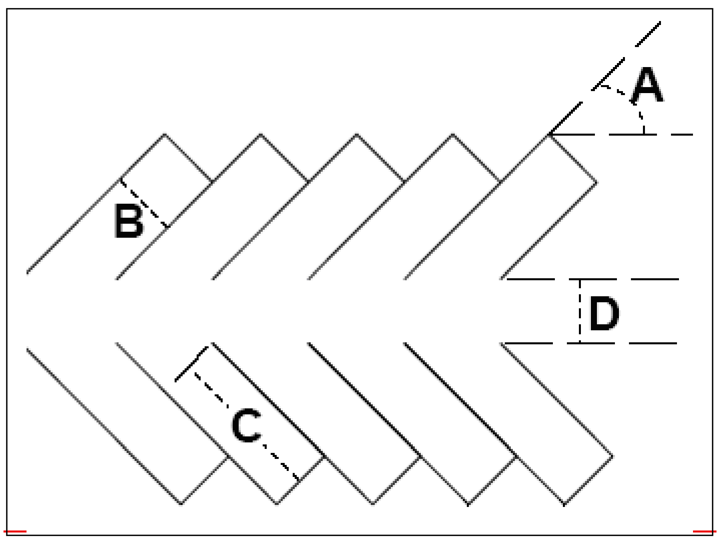
~~10.1114.21 Parking spaces and **maneuvering aisle**s shall be laid out in compliance with the minimum dimensions set forth in the Table of **Off-Street Parking** Dimensions.~~

~~Table of Off-Street Parking Dimensions~~

~~A~~ ~~Angle of Parking (degrees)~~	~~B~~ ~~Width of Parking Space~~	~~C~~ ~~Depth of Parking Space~~	~~D~~ ~~Width of Maneuvering Aisle *~~	
			~~1-way traffic~~	~~2-way traffic~~
~~0º~~	~~8.5'~~	~~20'~~	~~14'~~	~~24'~~
~~45º~~	~~8.5'~~	~~19'~~	~~16'~~	~~24'~~
~~60º~~	~~8.5'~~	~~19'~~	~~18'~~	~~24'~~
~~90º~~	~~8.5'~~	~~19'~~	~~24'~~	~~24'~~

~~* The minimum width of a **maneuvering aisle** shall be 22 feet for~~
~~(a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or~~
~~(c) an aisle in a parking structure for 1-way traffic with 90-degree parking.~~

~~Key to Table of Off-Street Parking Dimensions~~



~~10.1114.22 Parking areas shall include parking spaces for the physically disabled in compliance with the **Building Code** and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).~~

~~10.1114.23 Parking spaces located within four feet of an abutting **structure**, **sidewalk**, or public **street** shall be designed with suitable bumper stops.~~

~~10.1114.24 Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing **maximum occupancy** of the project; minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.~~

~~10.1114.25 Except for **one-family** and **two-family dwelling**s, all **off-street parking** spaces shall be marked and maintained to provide delineation between parking stalls and aisles.~~

10.1114.30 Vehicular Circulation

10.1114.31 Access to and egress from all parking areas shall be only via **driveway**s which meet the standards for "General Accessway and Driveway Design" in the Site Plan Review Regulations.

10.1114.32 ~~Except for~~ Off-street parking for **one-family** and **two-family dwelling**s, all **off-street parking** areas shall be designed so that:

(a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and

(b) Vehicles can enter and leave the parking area without backing into or from a public **street** or way.

~~10.1114.33 Notwithstanding the previous provision, tandem parking spaces may be provided for required **off-street parking** spaces serving **dwelling unit**s in residential and mixed-use developments, subject to the following requirements:~~

~~(a) Tandem spaces shall be assigned to the same **dwelling unit**.~~
~~(b) Tandem parking shall not be used to provide guest parking.~~
~~(c) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 38 feet in length.~~

~~10.1114.40 Pedestrian Circulation~~

~~Except for **one-family** and **two-family dwelling**s, all **off-street parking** areas shall incorporate the following provisions for pedestrian circulation:~~

~~10.1114.41 A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting **adjacent street**s, **accessway**s, **sidewalk**s and parking areas to the entrances of all **structure**s.~~

~~10.1114.42 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, **landscaping** buffers, or other means.~~

~~10.1114.43 Continuous off-**street** vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on site.~~

~~10.1115 Off-Street Parking Provisions in the Downtown Overlay District~~

~~10.1115.10 Purpose~~

~~10.1115.11 This Section 10.1115 establishes modified **off-street parking** standards for **lot**s in the Downtown Overlay District in recognition of the availability of municipal on-**street** and **off-street parking** facilities, private shared parking facilities, and public transit, and the pedestrian-oriented pattern of **lot**s and **use**s.~~

~~10.1115.12 Except as specifically modified by this Section 10.1115, **lot**s in the Downtown Overlay District shall comply with all other provisions of Section 10.1110.~~

~~10.1115.20 Number of Required Off-Street Parking Spaces~~

~~10.1115.21 The following requirements shall apply in the Downtown Overlay District in lieu of the requirements in Section 10.1112.30:~~

~~Use~~	~~Required Parking Spaces~~
~~Residential **use (dwelling)**~~	~~Same as Section 10.1112.30~~
~~**Hotel** or **motel**~~	~~0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities~~
~~Other nonresidential **use**~~	~~No requirement~~

~~10.1115.22 The requirements in Section 10.1115.21 shall be applied to all **use**s on a **lot**, and not to individual **use**s.~~

~~10.1115.23 For any **lot**, the number of **off-street parking** spaces that would be required by applying the ratios in Section 10.1115.21 shall be reduced by 4 spaces. (Therefore, any **lot** that would be required to provide 4 or fewer **off-street parking** spaces shall not be required to provide any spaces.)~~

~~10.1115.24 The provisions of Section 10.1112.50, Maximum Number of Parking Facilities, shall not apply to **building**s and **use**s within the Downtown Overlay District.~~

~~10.1116 Bicycle Parking~~

~~10.1116.10 Number of Bicycle Parking Spaces Required~~

~~10.1116.11 Off-street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:~~

~~Multifamily dwellings~~	~~1 bicycle space for each 5 dwelling units or portion thereof~~
~~Elementary, middle and high schools~~	~~1 bicycle space for each 4 students~~
~~All other uses, except as exempted in Section 10.1116.14~~	~~1 bicycle space for each 10 automobile parking spaces or fraction thereof required by Section 10.1112.30 or Section 10.1115.21, as applicable~~

~~10.1116.12 When the Planning Board approves the construction of fewer **off-street parking** spaces than would normally be required under Section 10.1112.30 or Section 10.1115.21 (for example, when a Reserve Parking Area is provided under Section 10.1112.40), or when Board of Adjustment grants a variance from the required number of **off-street parking** spaces, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required without such reduction or variance.~~

~~10.1116.13 In addition to the number of bicycle parking spaces required under Section 10.1116.11 and 10.1116.12, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.~~

~~10.1116.14 The following uses are exempt from providing bicycle parking spaces:~~

~~Use No.~~	~~Use~~
~~1.10~~	~~Single-family dwelling~~
~~1.20, 1.21,1.22~~	~~Accessory dwelling unit~~
~~1.30~~	~~Two-family dwelling~~
~~2.10~~	~~Assisted living facility~~
~~2.20~~	~~Residential care facility~~
~~7.10~~	~~Day care~~
~~7.70~~	~~Undertaking establishment~~
~~11.10-11.60~~	~~Motor vehicle related uses~~
~~12.10-12.40~~	~~Marine craft related uses~~
~~13.10-13.40~~	~~Wholesale trade, warehousing and distribution~~
~~14.70~~	~~Recycling facility or recycling plant~~
~~14.80~~	~~High hazard use~~
~~17.10-17.20~~	~~Agricultural uses~~
~~19.10-19.40~~	~~Accessory uses~~

~~10.1116.15 Bicycle parking spaces shall be designed in accordance with standards set forth in the Site Plan Review Regulations.~~

~~Section 10.1120 Off-Street Loading~~

~~10.1121 General Requirements~~

~~10.1121.10 All new **structure**s, additions to existing **structure**s, and changes and intensification of **use** in existing **structure**s shall be provided with off-street loading areas in accordance with this Section, except in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.~~

~~10.1121.20 No loading areas shall be required in Character Districts 4-W, 4 and 5 (CD4-W, CD4 and CD5) and the Downtown Overlay District.~~

~~10.1122 Number of Loading Areas~~

~~10.1122.10 Off-street loading spaces shall be provided according to the following ratios:~~

~~Use~~	~~Gross Floor Area (sf)~~	~~Required Spaces~~
~~Industrial~~	~~Up to 10,000 sq. ft.~~	~~0~~
	~~10,001 – 40,000 sq. ft.~~	~~1~~
	~~40,001 – 100,000 sq. ft.~~	~~2~~
	~~100,001 – 200,000 sq. ft.~~	~~3~~
	~~Each additional 200,000 sq. ft.~~	~~1~~
~~Office / Professional Service~~	~~Up to 10,000 sq. ft.~~	~~0~~
	~~10,001 – 100,000 sq. ft.~~	~~1~~

~~Use~~	~~Gross Floor Area (sf)~~	~~Required Spaces~~
	~~100,001 - 350,000 sq. ft.~~	~~2~~
	~~Each additional 350,000 sq. ft.~~	~~1~~
~~Retail~~	~~Up to 10,000 sq. ft.~~	~~0~~
	~~10,001 - 25,000 sq. ft.~~	~~1~~
	~~25,001 - 60,000 sq. ft.~~	~~2~~
	~~60,001 - 120,000 sq. ft.~~	~~3~~
	~~Each additional 100,000 sq. ft.~~	~~1~~
~~Other Non-Residential~~	~~Up to 10,000 sq. ft.~~	~~0~~
	~~10,001 - 40,000 sq. ft.~~	~~1~~
	~~Each additional 60,000 sq. ft.~~	~~1~~

~~10.1122.20 In case of mixed **use**s, the loading areas required shall be the sum of all requirements computed on the basis of the above table.~~

~~10.1123 Loading Area Dimensions~~

~~All required loading areas shall conform to the following dimensional standards:~~

~~Minimum vertical clearance:~~	~~14 feet~~
~~Minimum width of loading area:~~	~~12 feet~~
~~Minimum length of loading area:~~	
~~First required loading area:~~	~~20 feet~~
~~Additional required loading areas:~~	~~45 feet~~

~~10.1124 Location of Loading Areas~~

10.1124.10 Loading areas shall not be located between the front property line and any building or structure nor in a required ~~side yard~~ or ~~rear yard~~.

~~10.1124.20 No off-street loading or maneuvering areas shall be nearer than 100 feet to any adjoining Residential or Mixed Residential Districts and shall be screened in accord with Section 10.1130 and the Planning Board's Site Plan Regulations.~~

~~10.1124.30 No off-street loading areas shall be a part of an area used to satisfy the **off-street parking** requirements of this Ordinance.~~

HOUSING ACTION PLAN

July 2026

DRAFT

The Housing Committee presented its recommendations to the City Council on July 13, 2026. The Council referred the matter to the Planning Board for further review. It is anticipated that the Planning Board will discuss the recommendations at its August 20, 2026 meeting.

Ruth Lewin Griffin Place Below Market Rate Housing Complex

Purpose	Approach	Outcome
Identify practical steps to increase housing options and improve affordability.	Coordinate zoning, redevelopment strategies, housing programs, and the Master Plan.	Provide a clear roadmap with actions, responsible parties, and timeframes.

In This Plan

Over the past decade, the City of Portsmouth has taken a consistent and proactive approach to understanding and addressing local housing needs. This effort has included a combination of planning studies, public engagement, zoning ordinance and map updates, and policy initiatives aimed at increasing housing opportunities, improving affordability, and supporting long-term community stability.

City Council direction

- Increase housing supply
- Reduce costs and simplify development
- Expand below market-rate housing options
- Coordinate with the Master Plan update

1	2	3	4
Update the Rules	Encourage Redevelopment	Broaden Housing Choices	Track Progress

A strong foundation for this work was established through a series of housing-related studies and reports. Beginning with the Housing Committee Final Report and City Council Housing Policy in 2016, the City has continued to build on its understanding of local housing conditions through ongoing research and analysis. This includes the "Places to Live" study circle dialogue in 2024, an Inclusionary Zoning Analysis completed the same year, and earlier efforts such as the Portsmouth Market Study (2022) and Housing Development Trends analysis (2020).


An image of Market Square in Portsmouth with the North Church and Congress Street

Housing has been the top priority of both the current City Council and the prior Council. The 2026–2027 City Council set a clear goal of increasing housing supply for all income levels, reducing costs, simplifying the development process, and expanding below market-rate housing options. This Council also directed the creation of this Housing Action Plan and a comprehensive update of the zoning ordinance.

This direction builds on the goals of the 2024–2025 City Council, which emphasized expanding housing choices, increasing below market-rate housing, and advancing zoning changes to support housing development. That Council also supported initiatives such as the Housing Navigator program, the Housing Blue Ribbon Committee, and the establishment of a Below Market Rate Housing Trust Fund.

Over the past two years, residents and community advocates devoted substantial time and expertise to housing in Portsmouth, offering comment and producing research, analytical tools, and a proposed framework of actions brought to the Council and the Housing Committee. That work informed the Council's February 2026 direction to create this Housing Action Plan, and much of it is reflected in the actions that follow. The City welcomes this kind of engagement — addressing Portsmouth's housing challenges will continue to require the knowledge, energy, and participation of community members.

Zoning Changes

Key point: The City has made a number of updates to its zoning ordinance to better accommodate housing development. Portsmouth maintains a zoning framework that is regularly reviewed and amended, with updates adopted as recently as 2025 and 2026. Recent amendments have directly addressed housing-related barriers, including updates to accessory dwelling unit (ADU) regulations to comply with state law, modifications to off-street parking requirements, and the introduction of new housing types such as co-living.

Earlier zoning initiatives during this period also helped establish the framework for more flexible land use. The adoption and expansion of the Gateway zoning districts and creation of the Gateway Neighborhood Overlay District have supported redevelopment and encouraged a broader range of housing types in appropriate locations. These efforts have established important groundwork for the current Housing Action Plan.

Housing Production Incentives

Key point: In addition to regulatory updates, the City has explored and advanced a range of policy approaches to support housing production. City Council and Housing Committee discussions have focused on strategies such as allowing conversion of single-family homes into multiple units, expanding mixed-use zoning, and reducing parking-related barriers. The City has also explored financial tools, including the continued use of the Housing Trust Fund and other funding or incentive programs to support housing development.

As a result of these combined efforts, Portsmouth has built a strong foundation for continued progress. The City has not only studied housing issues extensively, but has also taken concrete steps to update regulations, test new approaches, and support development in practice. This body of work directly informs the Housing Action Plan and the recommendations that follow, providing a more coordinated framework for moving forward together with the ongoing Master Plan update.

Master Plan Integration

Key point: This Housing Action Plan is intended to support and help implement the broader goals of the Master Plan. Many of the recommended actions, particularly those related to zoning and land use, will be advanced through the Master Plan update and subsequent changes to the City's zoning regulations. By linking these efforts, the City can ensure that its housing policies are coordinated, consistent, and grounded in a long-term vision for the community.

At its core, the plan makes it easier to create housing, with a specific focus on expanding below market-rate options. Key strategies include allowing more multi-family housing, reducing requirements such as lot size and setbacks, and making it easier to convert large single-family homes into multiple units — supporting new housing in areas that are already developed, rather than relying solely on new growth areas.

The plan also emphasizes better use of underutilized properties, including redevelopment of older commercial and office buildings into housing, and a wider range of housing types, such as smaller homes, clustered housing, workforce housing, and live/work units, to serve residents at different stages of life and income levels. Financial tools and programs round out the plan, including the Housing Trust Fund, in-lieu payment options, and homebuyer assistance programs, along with a continued commitment to preserving existing below market-rate housing, expanding senior housing options, and complying with workforce housing requirements. Each action in the plan includes clear steps, a responsible party, and a timeframe, providing a roadmap the City can track over time.

Priority	Action	Description	Key Implementation Steps	Lead	Timeframe	Metrics	Milestone
1	Expand the use and geographic applicability of RSA 79-E tax relief incentives to encourage redevelopment and housing production in underutilized areas.	Expand tax relief incentives to support redevelopment and housing construction in underutilized areas.	City Council adoption of Housing Opportunity Zones Citywide	Planning/Assessor/City Council	0-9 mo	Projects	Program used
2	Conduct a comprehensive zoning review to identify barriers to housing development and prioritize necessary regulatory reforms.	Identify regulatory barriers and prioritize zoning reforms in line with the Master Plan. Create a more user-friendly document.	Review Zoning Ordinance; recommend changes	City Staff/Consultant/Planning Board/City Council	1-2 yr	Zoning amendments to remove barriers	Amended Zoning Ordinance
3	Amend zoning regulations to allow the conversion of commercial and office buildings into residential units.	Allow office/commercial to residential conversion to increase housing supply without new land consumption.	Review Zoning Ordinance; recommend changes, Zoning Ordinance amended	Planning Staff/Planning Board/City Council	0-6 mo	Amendments to allow conversions	Amended Zoning Ordinance
4	Expand zoning provisions to allow and encourage cottage housing and clustered small-lot residential development.	Identify zoning districts and neighborhoods suitable for small clustered housing options.	Review existing Zoning Districts and revisions to Zoning Ordinance	Planning/Planning Board/City Council	6-12 mo	Zoning district changes to permit small clustered housing	Amended Zoning Ordinance and Zoning Map
5	Establish an in-lieu fee program allowing developers to contribute financially toward affordable housing in place of on-site unit provision.	Allow a payment in-lieu of fee to the Housing Trust Fund.	Recommend changes to Zoning Ordinance, Zoning Ordinance amended	Planning/Planning Board/City Council	0-6 mo	Identify amendments to Zoning Ordinance and Fee Schedule	Payments received
6	Continue to waive fees for below market rate housing projects for nonprofit entities	Waive fees as requested for nonprofits for below market rate housing projects	Continue past practice of waiving fees	City Council	Ongoing	Below market rate housing projects by nonprofit entities	Requested Fees Waived
7	Rezone Office Research (OR) and General Business (GB) districts to allow mixed-use and residential development.	Identify parcels zoned GB or OR and propose new zoning district designations.	Identify parcels; Amend Zoning Map	Planning/Planning Board/City Council	0-6 mo	Revise zoning map	Projects proposed and constructed after map amendments
	Expand multi-family zoning.	Expand areas allowing multi-family housing to increase supply. Change single-family districts to allow multi-family housing.	Review Zoning Ordinance; recommend changes	City Staff/Consultant/Planning Board/City Council	1-2 yr	Zoning Ordinance and Zoning Map amendments	Amended Zoning Ordinance and Zoning Map
	Review dimensional zoning standards.	Reduce minimum lot sizes, frontage requirements, yards (setbacks), etc. to provide more housing opportunities	Review Zoning Ordinance; recommend changes	Planning/Consultant/Planning Board/City Council	1-2 yr	Conforming lots	Amended Zoning Ordinance
	Allow conversion of existing single-family homes into multiple dwelling units.	Allow large homes to be converted into multiple units.	Review Zoning Ordinance; recommend changes, amend Zoning Ordinance	Planning/Planning Board/City Council	1-2 yr	Units	Amended Zoning Ordinance
	Deploy and expand the City's Housing Trust Fund to support affordable and workforce housing development.	Fund housing development through local resources.	Allocate funds; track	Planning/Finance/Housing Trustees	Ongoing	Units funded	Projects completed
	Develop and implement programs to assist homebuyers in accessing homeownership opportunities.	Support homebuyers to expand ownership access.	Launch program; partner lenders	City Council/Community Development/Housing Committee	1-3 yr	Programs created	Programs active
	Plan and designate outlying areas for new residential neighborhood development to accommodate long-term housing demand.	Plan new residential growth areas for future housing demand based on Master Plan.	Identify areas from Master Plan; recommend Zoning Map changes	Planning/Consultant/Planning Board/City Council	1-2 yr	Zoning Map amendments	Amended Zoning Map
	Simplify and update Form-Based Code provisions to improve usability and encourage more below market rate housing.	Simplify Form-Based Code.	Review and revise code; Recommend Zoning Ordinance changes	Planning/Consultant/Planning Board/City Council	1-2 yr	Zoning Ordinance amendments	More below market rate housing
	Adjust Building height requirements.	Increase height limits to add density where appropriate.	Amend zoning	Planning/City Council	1-2 yr	Units	Projects built
	Allow live/work units.	Allow flexible housing with workspace integration.	Review Zoning Ordinance; Recommend Zoning Ordinance changes	Planning/Planning Board/City Council	1-2 yr	Units	Increase in live/work units
	Preserve existing below market rate housing	Protect existing affordable housing from loss.	Inventory; Provide funding/opportunities to extend terms of existing below market rate housing	Planning/Housing Trust Fund/Trustees	Ongoing	Units	No loss
	Create more senior housing.	Expand housing for older residents. Comprehensive strategy for senior housing: independent living, assisted living, memory care, aging-in-place support.	Review Programs	Community Development/City Council	2-5 yr	Available Programs and Services	Increase in Senior housing and assistance
	Create/strengthen a workforce housing ordinance (RSA 674:58-61).	Adopt or strengthen local workforce housing ordinance consistent with NH RSA 674:58-61.	Review RSA against Zoning Ordinance	Planning/Legal/Planning Board/City Council	1 yr	Adopted amendments to be consistent with RSA	Amended Zoning Ordinance to be consistent with State law

Excerpt from Chapter 14 (Housing Code) of the City Ordinances
(Contact Portsmouth City Clerk for a complete official copy of the City Ordinances)

ARTICLE II: DEMOLITION

Section 14.201 PURPOSE

The purpose of this Article is to encourage the preservation of buildings and places of historic, architectural and cultural value.

Section 14.202 DEFINITIONS

As used in this Article, the following words or phrases shall have the meanings set forth below, except when the context requires a different meaning.

Demolition: Razing or destruction, entirely or in part, of a building or structure, whether or not reconstruction is planned after demolition, or removal of a building or structure in whole or in part from its present location. For the purpose of this Article, demolition shall not include (a) interior demolition that does not affect the exterior of the building or structure, or (b) work necessary to repair or replace exterior finishes such as roofing, siding, trim or windows.

Demolition Review Committee: A committee appointed by the City Council and comprised of five members as follows: one member of the Historic District Commission, one member of the Planning Board, one member of the Portsmouth Historical Society, the Chief Building Inspector or his/her designee, and the Planning Director or his/her designee. Representatives of the Historic District Commission and Planning Board shall be appointed annually or as necessary.

Code Official: As defined in the zoning ordinance.

Section 14.203 APPLICABILITY

The requirements of this Article shall apply to any demolition except:

(1) Demolition of a building or structure that has been granted a Certificate of Approval by the Historic District Commission or has been approved for demolition in association with a project approved, following a public hearing, by either the Planning Board or the Board of Adjustment.

(2) Demolition of any “dangerous building” that has been ordered to be demolished pursuant to Chapter 14, Article I, Section 14.109(C).

(3) Minor demolition projects, as determined by the Code Official, that are not located in the Historic District, including but not limited to chimneys, decks, porches, steps, small outbuildings or other similar design features.

(4) Removal of partial roof components for vertical expansion such as dormers or skylights on structures that are not located in the Historic District.

Section 14.204: APPLICATION AND NOTICE

A. **APPLICATION:** Prior to the commencement of any demolition, the owner(s), contractor, or agent (hereinafter Applicant) must (a) submit a completed Demolition Permit Application (hereinafter Application) to the Inspection Department, (b) post a sign or signs as required by paragraph B below, and (c) publish a legal notice as required by paragraph B below. Such Application shall include a Demolition Plan that includes a scaled site plan showing the location of the building(s) and photographs of the existing structure(s) and, if applicable, elevations of the proposed structure(s).

B. **SIGNAGE:** The applicant shall post one or more signs on the building to be demolished, or on the lot where such building is located, so as to be clearly visible from all public ways. In the event that visibility at the building's location would be hindered in such a manner as to obstruct notice of the sign, the applicant will be required to post a sufficient number of signs as to insure clear visibility. Said sign(s) shall be provided by the Inspection Department at the time of application for the Permit.

C. **LEGAL NOTICE:**

(1) If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the legal notice shall read as follows:

NOTICE
An application has been submitted to demolish the building (or a portion thereof) located at ______________________. Further information about the proposed demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a written objection with the Inspection Department at the above address.
If no written objection is received in the Inspection Department within 30 days from the date of this notice, the Demolition Permit will be issued. If a written objection is received within said period, the Demolition Review Committee will hold a public hearing on the matter within 75 days from the date of this notice. Notice of the public hearing will be published in a newspaper of general circulation, posted on the City's website, and given to all parties who have filed objections to the proposed demolition.
Date of this Notice:____

(2) If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the legal notice shall read as follows:

NOTICE
An application has been submitted to demolish the building (or a portion thereof) located at ______________________. Further information about the proposed demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a written objection with the Inspection Department at the above address. If no written objection is received in the Inspection Department within 30 days from the date of this notice, the Demolition Permit will be issued. If a written objection is received within said period, the Inspector may order an additional delay in issuing the Demolition Permit, up to a maximum of 90 days from the date of this notice. Date of this Notice:_______________________________________

(3) In either case, the required sign(s) shall remain posted until the Inspection Department has issued a demolition permit.

D. **PUBLICATION:** The applicant shall, within seven (7) days of submitting an Application, have published the required a legal notice in a newspaper of general circulation in Portsmouth. All costs which are incurred for publication of the legal notice are to be paid by the applicant who also will provide copies of the published legal notice to the Inspection Department prior to the expiration of the thirty (30) day period contained in the legal notice. The legal notice shall include the wording required by Section 14.204.C (1) or (2), as applicable, and shall also contain the address and description of the building or structure to be demolished and the name and address of the applicant.

Section 14.205: PROCEDURE

A. If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the following procedure shall be followed:

(1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied and the demolition may proceed.

(2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall have fifteen (15) days to notify the applicant in writing that the Demolition Plan must be reviewed by the Demolition Review Committee (hereinafter Committee) before proceeding and forward the application to each member of the Committee.

(a) The Committee shall schedule a public hearing within thirty (30) days of notification from the Building Inspector. Notice of the public hearing shall be given to all parties who have filed objections, posted in two public places and on the City's website, and published in a newspaper of general circulation at least ten (10) days prior to the hearing, not including the day of the hearing or the day of posting.

(b) The Committee shall hear all public testimony on the building's significance. The owner or the owner's representative shall be invited to attend the hearing.

(c) At the conclusion of the hearing, the Committee shall determine that the building is "significant" or "not significant" based on whether the building is of such historic, architectural or cultural value that its removal would be to the detriment of the public interest.

(d) If the Committee finds the building is "not significant," no further review is required.

(e) If the Committee finds the building is "significant," the following steps shall be taken:

(i) The Committee shall hold a meeting with the owner or owner's representative within fifteen (15) days, or at the applicant's earliest convenience, to discuss alternatives to the proposed Demolition Plan. Public comment shall be accepted by the Committee at the meeting.

(ii)

After the meeting provided for in paragraph (i) above, the Committee shall:

a. Approve the Application as submitted; or
b. Approve any alternatives to the Demolition Plan which have been agreed to by the applicant; or,

c. Determine to delay the issuance of the demolition permit for up to the maximum time period allowed by this ordinance.

(iii) Following the completion of documentation as set forth in (ii) above, no further review is required.

B. If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the following procedure shall be followed:

(1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied.

(2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall order an additional delay period, not to exceed sixty (60) days from the date of receipt of the written objection(s) in instances where a significant building, site, or life safety condition is presented in the objection. However, in no event shall the delay period ordered by the Building Inspector exceed ninety (90) days from date of notice.

Section 14.206: DEMOLITION PERMIT

Upon completion of the procedure outlined in Section 14.205, the Building Inspector shall issue a Demolition Permit after the expiration of any delay period ordered pursuant to Section 14.205.

2025 New Hampshire Revised Statutes -Title LXIV - Planning and Zoning
Chapter 674 - Local Land Use Planning and Regulatory Powers
Section 674:44-a - Heritage Commission & Section 674:44-b - Powers.

673:4-a- Heritage Commissions

I. The heritage commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body.

II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. If there is a historic district commission, one member of this commission shall be an ex officio member of the heritage commission. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the heritage commission.

III. Members of a heritage commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, and a historic district commission established under RSA 673:4.

Source. 1992, 64:6. 1995, 138:4, eff. July 23, 1995.

674:44-b - Powers

I. Generally. Heritage commissions shall have advisory and review authority, specifically, as follows:

(a) Survey and inventory all cultural resources.

(b) Conduct research and publish findings, including reports to establish the legal basis for a district and preparation of historic district ordinances within the municipality prior to its adoption or amendment as provided in RSA 675:6.

(c) Assist the planning board, as requested, in the development and review of those sections of the master plan which address cultural and historic resources.

(d) Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources.

(e) Coordinate activities with appropriate service organizations and nonprofit groups.

(f) Publicize its activities.

(g) Hire consultants and contractors as needed.

(h) Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by the commission for its proper purposes.

(i) Hold meetings and hearings necessary to carry out its duties.

II. Property. The commission may acquire, in the name of the town or city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations, or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the cultural resources of the city or town, and shall manage and control the same; provided, however, that the city, town, or commission shall not have the right to condemn property for these purposes.

III. Historic District Commission. Heritage commissions also may assume, if authorized by the local legislative body, the composition and duties of historic district commissions.

Source. 1992, 64:2. 1993, 32:1. 1995, 138:5, eff. July 23, 1995.

ALTUS ENGINEERING

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

POST APPROVAL
WAIVER REQUEST

August 12, 2026

Re: Assessor's Map 230, Lot 22 and 22-1
409 and 411 Lafayette Road
Altus Project No. 5698

On behalf of William and Niccola Douglas Owner and Applicant, Altus Engineering, LLC respectfully requests the following waiver from the City of Portsmouth Subdivision Rules and Regulations

SECTION IX - DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

1. Improvements and Installation Bonds

The Board will consider approval of the final plat for record only after monuments have been installed in accordance with the specifications given hereunder and after there shall have been filed with the Board:
A certificate from the Director of Public Works that all streets shown on the plat have been graded and approved, and all sewerage, water utilities, curbing, and street markers have been installed in accordance with the City specifications and all lands dedicated as open areas or public land and a duly completed and executed bond issued by a surety company authorized to do business in the State of New Hampshire, certified by the City Attorney as valid and enforceable by the City Attorney and in the amount and with surety satisfactory to the Board, securing the making installation of these improvements, utilities, and facilities within the period fixed by the Board; or

A certified check, drawn on an approved bank and available to the City and adequate for the completion of these improvements utilities and facilities.

Said bond or certified check shall be in the amount representing one hundred percent (100%) of the cost for the completion of the streets and the installation of the sewer and water utilities and facilities according to the specifications given hereunto. Upon inspection of a partial completion of a subdivision, the City Manager may authorize, in writing, a pro-rated reduction in the certified check or performance bond; but in no case shall more than fifty percent (50%) of said performance bond or said certified check be released until the entire subdivision has been completed to the satisfaction of the Board and written approval by said Board has been executed.

The development is a two-lot subdivision with an existing home on one parcel. No new public infrastructure will be constructed. The front parcel already has utilities on it. They were recently upgraded. The rear parcel will require new utilities to be constructed within the Lafayette Road right-of-way. The work will be no different than any other utility work in the right-of-way where an excavation permit from the City will be required. The roadway and sidewalks will need to be repaired to the satisfaction of the Department of Public Works. Requiring the bond would be an excessive cost to the applicant would be a redundant requirement

For these reasons, Altus respectfully requests that the waiver is approved administratively.

Respectfully submitted by,

ALTUS ENGINEERING, LLC

wde/5598-Waiver Request - POST APPROVAL

CITY OF PORTSMOUTH, NEW HAMPSHIRE

SITE PLAN REVIEW REGULATIONS

Adopted by Planning Board: December 17, 2009
Amended: November 19, 2020

SITE PLAN REVIEW REGULATIONS

Article 1 Purpose and Applicability

Section 1.1 Purpose

The purposes of these Regulations are to:

(a) Further the safe and orderly development of the City;

(b) Promote sustainable design and development that supports long-term economic vitality and ecologic integrity;

(c) Achieve a high-quality and sustainable site appearance that conserves and protects natural resource systems, helps to reduce infrastructure costs, and conserves energy;

(d) Encourage site design techniques that protect water quality and natural hydrology, prevent increases in the quantity of stormwater runoff, and manage stormwater runoff at the source;

(e) Protect abutters against hazards, unsightliness, and nuisances detrimental to property values;

(f) Insure that development of land is appropriate for the public and private services and facilities available;

(g) Insure that pedestrian, bicycle, and vehicular circulation can be accommodated in a safe manner;

(h) Preserve and enhance the historic and cultural character of the community.

Section 1.2 Applicability

1.2.1 Uses Requiring Site Plan Approval

Site Plans shall be submitted for Site Plan Review for any development or redevelopment of land within the municipal boundaries that includes one or more of the following:

(a) Development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

(b) Residential development or redevelopment which, when completed, will have three (3) or more dwelling units regardless of whether the development involves a subdivision of land;

(c~~b~~) Nonresidential development or redevelopment including alterations, additions or extensions (including the addition of a drive-through facility), ~~or new nonresidential uses that increase the amount of required off-street parking by five (5) or more spaces;~~

(~~c~~d) The proposed addition of five (5) or more parking spaces.

1.2.2 Exemption of Small Projects

The Planning & Sustainability Director may determine that a proposed development is exempt from Site Plan Review if it meets all of the following three criteria:

(a) There is no increase in building height or gross floor area; and

(b) There is no reduction in the setback of any structure or vehicular service area from any property line; and

(c) Lot coverage by impervious surfaces does not increase by more than 500 square feet.

1.2.3 Determination of Developments of Regional Impact

1. The Planning Board shall make a determination as to whether the proposed development has the potential for regional impact.

2. In determining whether a project has regional impact, the Planning Board may consider, but is not limited to the consideration of, such factors as: the relative size or number of dwelling units compared to the existing housing stock, the proximity to the borders of a neighboring community, transportation networks, anticipated emissions or environmental impacts such as light, noise, smoke, odors, or particles, the proximity to aquifers or surface waters which transcend municipal boundaries, water demand, and shared facilities such as schools, wastewater treatment plants, and solid waste disposal facilities or other criteria as allowed under NH State Law.

1.2.4 Other Local, State, and Federal Requirements

1. These Site Plan Review Regulations in no way relieve a developer, agent or individual from compliance with the Zoning Ordinance, Subdivision Rules and Regulations, Building Codes, Historic District Commission, standard construction plans and specifications of the Department of Public Works, or

any other federal, state and local ordinance, regulation, or code that pertains to the proposed development.

2. The Site Plan Review Agreement shall not be executed until all other required municipal approvals have been granted.

Article 2 Application and Review Process

Section 2.1 Planning Board Responsibilities

The Planning Board and the Site Plan Review Technical Advisory Committee (TAC) are responsible for the review of all Site Plan Review applications.

Section 2.2 Site Plan Review Technical Advisory Committee

2.2.1 Committee Composition

A Site Plan Review Technical Advisory Committee (TAC) is hereby established to assist and advise the Planning Board in reviewing Site Plan Review applications. The TAC shall consist of nine (9) members as follows:

(a) The Planning & Sustainability Director or a representative of the Planning Department as designated by the Director (either of whom shall act as Chair);

(b) Two (2) representatives of the Planning Department as designated by the Director;

(c) The Director of Public Works or a representative of the Department of Public Works as designated by the Director;

(d) Two (2) representatives from the Divisions of the Department of Public Works as designated by the Director of Public Works;

(e) The Chief Building Inspector or a representative of the Inspection Department as designated by the Chief Building Inspector;

(f) A representative of the Fire Department as designated by the Fire Chief;

(g) A representative of the Police Department as designated by the Police Chief.

2.2.2 Technical Advisory Committee Responsibilities

The Site Plan Review Technical Advisory Committee (TAC) shall make recommendations to the Planning Board for approval or disapproval of all Site Plan Review applications.

Section 2.3 Technical Review and Assistance

1. The TAC or the Planning Board may request any additional information it deems necessary in order to find that the application satisfies the review standards.

2. The TAC or the Planning Board may request information or technical assistance from City staff, Boards, or Commissions, or from independent experts in any field. If the TAC or the Planning Board determines that it requires the assistance of independent consultants, the applicant shall agree in advance to fund or reimburse the City for all costs of engaging such consultants.

3. When the TAC or the Planning Board notifies the applicant of the need for technical assistance or additional information, then the time periods for review and approval of a Site Plan Review application shall be waived only upon written request by the applicant. In the event that such a request is not forthcoming, the Planning Board may deny the application.

Section 2.4 Preapplication Review

2.4.1 Preapplication Review – General

1. An applicant may request to meet with the Planning Board for preliminary nonbinding discussions of a proposal as provided herein. An applicant may request to meet with the Board for either Preliminary Conceptual Consultation or Design Review, or both. The preliminary conceptual consultation phase is mandatory for certain applications as stated in Section 2.4.2 below.

2. Discussions in the Preliminary Conceptual Consultation and Design Review Phases shall not bind either the applicant or the Board. Statements made by Planning Board members during either phase shall not be a basis for disqualifying said members or invalidating any action subsequently taken by the Board.

3. Preliminary review shall be separate and apart from formal consideration of an application for Site Plan Review, and the time limits for acting on a proposal shall not apply until a formal application has been submitted and has been determined by the Planning Board to be complete.

2.4.2 Preliminary Conceptual Consultation Phase

1. The applicant may request a meeting with the Planning Board to discuss a proposal in conceptual form. The preliminary conceptual consultation phase is mandatory for a site plan that meets any of the following criteria:

(a) Includes the construction of 30,000 square feet or more gross floor area;
(b) Includes the creation of 20 or more dwelling units;
(c) Includes the construction of more than one principal structure on a single parcel.

2. A request for preliminary conceptual consultation accompanied by all plans and exhibits shall be submitted to the Planning Department at least 14 days prior to the date of a scheduled meeting of the Board via the City’s online permitting system and in hard copy. The total number of hard copies required shall be determined by the Planning & Sustainability Director.

3. Preliminary conceptual consultation may occur only at formal meetings of the Planning Board. However, such discussions shall not be the subject of a public hearing, and formal notice of abutters and the public shall not be required.

4. Preliminary conceptual consultation shall be directed at review of the basic concept of the proposal and suggestions that might be of assistance in resolving problems with meeting requirements during final consideration. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of the proposed development type, scale, intensity and layout under the Master Plan.

2.4.3 Design Review Phase

1. The applicant may request to meet with the Board for nonbinding discussions of a potential application that involve more specific design and engineering details than in the preliminary conceptual consultation phase.

2. A request for design review accompanied by all plans and exhibits shall be submitted to the Planning Department at least 14 days prior to the date of a scheduled meeting of the Board via the City’s online permitting system as well as in hard copy. The total number of hard copies required shall be determined by the Planning & Sustainability Director.

3. The request for design review shall include enough of the information listed in Section 2.5.3(1) and plans displaying enough of the information listed in Section 2.5.4(3) so that the Board is able to review the project. Detailed engineering of infrastructure and utilities are not required at the design review phase, but the information listed in Section 2.5.4(3) should be displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues and concerns.

4. At a regular meeting of the Planning Board, the Board shall determine if the request for design review includes sufficient information to allow the Board

to understand the project and identify potential issues and concerns, and shall vote on whether to accept the request for design review and to schedule a public hearing. If the Board determines that the request does not describe the proposed project in sufficient detail, it shall notify the applicant of the specific deficiencies that need to be addressed before consideration of the application can continue.

5. Design review discussions shall take place in a public hearing at a regularly scheduled meeting of the Planning Board, after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by State statute.

6. At any public meeting of the Planning Board, the Board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination.

Section 2.5 Application Requirements

2.5.1 Applicant

An application for Site Plan Review shall be submitted by the owner or lessee of the parcel or parcels, or by the holder of an option or other contract for purchase or lease of the property. If the applicant is not the current owner, the application shall include a copy of the lease, option or other contract, and a written letter from the current property owner.

2.5.2 Applicant Responsibilities

The applicant shall be responsible for fulfilling the following responsibilities before a Site Plan Review Agreement will be executed.

1. The applicant shall submit a completed application via the City's online permitting system to the Planning Department along with the application fee, the Site Plan (see section 2.5.4 for plan specifications) and supporting documents and studies for review by the TAC. The number of hard copies required to be submitted shall be determined by the Planning & Sustainability Director.

2. After review of the application by the TAC, the applicant shall submit one (1) ~~twelve (12)~~ hard copy~~ies~~ and 1 digital copy of the Site Plan (see section 2.5.4 for plan specifications) to the Planning Department including any revisions as requested by the TAC and supporting documents and studies.

3. The application shall be fully executed and signed, and shall provide evidence of ownership or legal authorization to represent the landowner.

4. The application shall be complete as submitted and provide adequate information for evaluation of the proposed site development.

5. The applicant shall pay any application fees and costs of advertising and providing notice to abutters.

6. The applicant shall appear and present the Site Plan before the TAC and also at the public hearing before the Planning Board.

7. The applicant shall provide technical information and expertise sufficient for evaluation of the application.

8. All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF). Digital files shall be complete and exact copies of the corresponding paper submittals (e.g., digital plan~~s~~ files shall be submitted to facilitate printing at the same scale and sheet size as the paper copies). Applicants may submit additional digital files to assist in presentations at public hearings.

2.5.3 Site Plan Review Application Required Information

1. The following information shall be submitted with the Site Plan Review application:

   (a) Complete form entitled "Site Plan Application Checklist".

   (b) Detailed statement that lists and describes "green" building components and systems, including, but not limited to, whether the project is certifiable as demonstrated by a completed LEED (Leadership in Energy and Environmental Design) checklist. For example, building orientation, HVAC efficiencies, reductions in water usage, landscaping, source of building materials, production of on-site electricity, on-site rainwater recovery systems, energy efficient lighting, "cool" roof products, "green" refrigerant and plumbing systems, and energy efficient windows.

   (c) Existing and proposed gross floor area and dimensions of all buildings and statement of uses and floor area for each floor.

   (d) Tax map and lot number, and current zoning of all parcels under Site Plan Review.

   (e) Owner's name, address, telephone number, and signature. Name, address, and telephone number of applicant if different from owner.

(f) Names and addresses (including Tax Map and Lot number and zoning districts) of all direct abutting property owners (including properties located across abutting streets) and holders of existing conservation, preservation or agricultural preservation restrictions affecting the subject property.

(g) Names, addresses and telephone numbers of all professionals involved in the site plan design.

(h) List of reference plans.

(i) List of names and contact information of all public or private utilities servicing the site.

2. As part of final approval of the site plan by the Planning Board, the applicant shall submit the following.

(a) All local approvals, permits, easements and licenses required, including but not limited to:

- Waivers;
- Driveway permits;
- Special exceptions;
- Variances granted;
- Easements;
- Licenses.

(b) Any exhibits, data, reports or studies that may have been required as part of the approval process, including but not limited to:

- Calculations relating to stormwater runoff;
- Information on composition and quantity of water demand and wastewater generated;
- Information on air, water or land pollutants to be discharged, including standards, quantity, treatment and/or controls;
- Estimates of traffic generation and counts pre- and post-construction;
- Estimates of noise generation;
- A Stormwater Management and Erosion Control Plan;
- Endangered species and archaeological / historical studies;
- Wetland and water body (coastal and inland) delineations;
- Environmental impact studies.

(c) Amendments and any conditions for final Site Plan approval as modified from the original Site Plan Review application submittal.

These should be annotated and highlighted on the final site plan in the index and on each affected plan sheet.

(d) A document from each of the required private utility service providers indicating approval of the proposed site plan and indicating an ability to provide all required private utilities to the site.

(e) A list of any required state and federal permit applications required for the project and the status of same.

(f) For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP) confirmation that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

2.5.4 Site Plan Specifications and Required Exhibits and Data

1. Plan sheets submitted as part of the Site Plan Review application process shall meet the following specifications:

(a) Full size plans shall not be larger than **11** ~~22~~ inches by **17** ~~34~~ inches with match lines as required, unless approved by the Planning & Sustainability Director;

(b) Scale: Not less than 1 inch = 60 feet and a graphic bar scale shall be included on all plans;

(c) GIS data should be referenced to the coordinate system New Hampshire State Plane, NAD83 (1996), with units in feet;

(d) Plans depicting all required information shall be drawn to scale and shall be prepared and stamped by a NH licensed civil engineer, ~~;~~ with boundary and related information prepared and stamped by a NH licensed land surveyor;

(e) Wetlands shall be delineated by a NH certified wetlands scientist and so stamped.

2. The following information is required on all sheets of the plan set submitted as part of the application process:

(a) Title (name of development project), north point, scale, legend;

(b) Date plans first submitted and the date and explanation of all revisions;

(c) Individual plan sheet title that clearly describes the information that is displayed;

(d) Source and date of data displayed on the plan;

(e) A note shall be provided on the Site Plan stating: "All conditions on this Plan shall remain in effect in perpetuity pursuant to the requirements of the Site Plan Review Regulations."

3. Plans displaying the following information shall be submitted as part of the Site Plan Review application process. Where possible, the information on each plan should be grouped according to the review standards outlined in Articles 3 through 11 of these regulations.

(a) Existing Conditions

- Surveyed plan of the site showing existing natural and built features.
- Existing building footprints and gross floor area.
- Existing parking areas and number of parking spaces provided.
- Zoning district boundaries.
- Existing, required, and proposed dimensional zoning requirements including building and open space coverage, yards and/or setbacks, and dwelling units per acre.
- Existing impervious and disturbed areas.
- Limits and type of existing vegetation.
- Wetland delineation, wetland function and value assessment (including vernal pools).
- Special Flood Hazard Areas (SFHA), the 100-year flood elevation line, and Base Flood Elevation (BFE) data, as required.

(b) Buildings and Structures

- Plan view of all buildings and/or structures indicating their use, size, dimensions, location and first floor elevation, footings, overhangs and snow dams.
- Elevations of building(s) indicating their height, massing, placement, materials, lighting and façade treatments.
- Total floor area.
- Number of usable floors.
- Gross floor area by floor and use.

(c) Access and Circulation

- The location and width of accessways within the site.

- The location of curbing, rights-of-way, edge of pavement and sidewalks.
- The location, type, size and design of proposed traffic signing and traffic signal equipment including conduits and pavement markings on and off-site.
- Names and layout of existing abutting streets (including paper streets).
- Driveway curb cuts for abutting properties and for any adjacent properties that front on public roads that provide access to the site.
- If a subdivision, then right-of-way lines and names of all proposed streets, accessways, lanes, right-of-ways or easements and licenses intended to be dedicated for public use.
- Use current AASHTO truck turning templates descriptions with the minimum vehicle allowed being a WB-50, unless otherwise approved by the TAC.

(d) Parking and Loading

- The location of off-street parking and loading areas with the layout of the parking spaces and landscaped areas and buffers.
- Parking calculations showing number required and number provided.

(e) Water Infrastructure

- The size, type, and proposed location of water mains, shut-offs, hydrants, gate boxes, valves, and other water facilities with all necessary engineering data.
- Location of water wells and monitoring wells including protective radii and reserve areas and distance to seasonal high water.

(f) Sewer Infrastructure

- The size, type and proposed location of sanitary sewage facilities with all necessary engineering data including any onsite temporary facilities during construction period.

(g) Utilities

- The size, type, and location of all above ground and underground public service connections and private service connections; including gas lines, power lines, telephone lines, other communication lines and fire alarm connections.
- Size, type, and location of generator pads, transformers, pad mounted condensers, and other electrical or mechanical bases or fixtures.

(h) Solid Waste Facilities

- The size, type, and location of solid waste disposal facilities.

(i) Stormwater Management
- The location, elevation, and layout of surface and subsurface stormwater drainage system features including design and sizing details for proposed stormwater treatment measures.
- Location of any onsite snow storage areas and/or proposed off-site snow removal provisions.
- Locations and containment measures for any salt storage facilities, if applicable.
- Location of proposed temporary and permanent material storage locations and distance from wetlands, water bodies, and stormwater structures.

(j) Outdoor Lighting
- The type and placement of outdoor lighting fixtures for the exterior of the buildings, parking areas, and any other areas of the site, and photometric plan.

(k) Landscaping
- Landscaping plan identifying dimensions of the undisturbed area, existing vegetation, all vegetation to be retained, and measures used to protect natural features to be retained.
- Location of any landscaping irrigation systems and water source.

(l) Contours and Elevations
- Existing and proposed contours (2-foot minimum) and finished grade elevations.

(m) Open Space
- Type, extent, and location of existing and proposed open space.

(n) All easements, deed restrictions and non-public rights of ways.

(o) Any other information that the TAC or the Planning Board may require in order to adequately evaluate the proposed development.

(p) For sites within a Character District or Civic District, the following additional information shall be included in the plan set:
- Applicable building height standards (Zoning Ordinance, Sec. 10.5A21.20 and 10.5A43.30, and Regulating Plan) and proposed building height.
- Applicable special requirements (Zoning Ordinance, Sec. 10.5A21.30 and Regulating Plan), if any, and demonstration of compliance.

- Proposed building form and building type (Zoning Ordinance, Sec. 10.5A43).
- Proposed community space, if applicable (Zoning Ordinance, Sec. 10.5A46).

(q) For sites that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP), the site plan set shall include sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

(i) The proposed development is consistent with the need to minimize flood damage;
(ii) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and construction to minimize or eliminate flood damage; and
(iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

4. For any of the Site Plan Review requirements listed above or as detailed in Articles 3 through 11 of these regulations, the applicant shall submit either the requested information or request a waiver from the Planning Board according to the requirements of Section 2.10 of these regulations.

Section 2.6 Referrals to City Departments

The Planning & Sustainability Director shall refer applications to other City departments as follows:

1. Applications that involve proposed food service establishments shall be referred to the Health Department.

2. Applications that involve the creation of new dwelling units shall be referred to the School Department

Section 2.7 Public Hearing

1. A public hearing by the TAC will be held for all Site Plan Review applications.

2. Within thirty (30) days of receipt of a recommendation from the TAC, the Planning Board shall place the application on its agenda for a public hearing.

3. In accordance with NH State Law, the following parties shall be given at least ten (10) days' notice of the public hearing at which Site Plan Review will occur:

(a) Direct abutters;

(b) Holders of conservation, preservation or agricultural preservation restrictions on the property.

4. The general public shall be notified by posting a copy of the written notice at least ten (10) days in advance of the public hearing at two public places and by printing a notice in a newspaper of general circulation.

5. Notices shall include a general description of the proposed development, the name of the applicant, the location of the property which is to be developed and the time, date and place of the meeting or public hearing.

6. When computing the period for notification, the day of mailing, posting or publication and the day of the meeting shall not be counted.

7. All costs of notice, whether mailed, posted or published, shall be paid by the applicant.

8. At the public hearing, any applicant, abutter, or individual may testify in person or in writing.

9. The Planning Board may deny an application for Site Plan Review without a public hearing, based upon failure of the applicant to supply information required by these regulations, failure to meet deadlines established by the Planning Board, or failure to pay costs of the notice or other fees required by the Planning Board.

Section 2.8 Determination of Application Completeness

1. Upon submission of a formal application for Site Plan Review, the Planning Board shall hold a public hearing on the application, with notice to abutters and the public as required by State statute, and shall determine if the application is complete according to these Regulations and shall vote upon its acceptance.

2. If the Board determines that a submitted application is incomplete according to these Regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.

3. Upon determination by the Board that a submitted application is complete according to these Regulations, the Board shall begin formal consideration

and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver as provided by State statute.

Section 2.9 Evaluation Criteria

In order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

1. Compliance with all City Ordinances and Codes and these regulations.

2. Provision for the safe development, change or expansion of use of the site.

3. Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.

4. Adequate protection for the quality of groundwater.

5. Adequate and reliable water supply sources.

6. Adequate and reliable sewage disposal facilities, lines, and connections.

7. Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.

8. Adequate provision for fire safety, prevention and control.

9. Adequate protection of natural features such as, but not limited to, wetlands.

10. Adequate protection of historical features on the site.

11. Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.

12. Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.

13. Adequate insulation from external noise sources.

14. Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.

15. Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site.

16. Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.

17. Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.

18. Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.

19. Compliance with applicable City approved design standards.

Section 2.10 Waiver Requests

1. When the Planning Board finds by a vote of six members that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or these regulations, it may grant a waiver following a written request by the Applicant.

2. In granting waivers the Planning Board may require such conditions as will in its judgment secure the objectives of the regulations.

Section 2.11 Approval Procedures

1. Recommendations of the TAC for approval shall require a majority of those present and voting. Five voting members shall constitute a quorum for the transaction of business.

2. Once the TAC has made a recommendation to the Planning Board and a public hearing has been held, final approval shall require a vote by the majority of those Planning Board members present and voting.

3. If the TAC or the Planning Board determines that the proposed site plan does not meet all of the applicable requirements, the TAC or the Planning Board shall vote to disapprove the plan.

4. The reasons for disapproval will be clearly stated in the Planning Board's records and shall be communicated to the applicant in writing.

5. Approval of the site plan shall not be effective until a site plan agreement has been signed (see Section 2.12) and the applicable sheets of the site plan have been recorded at the Rockingham County Registry of Deeds (see Section 2.13).

Section 2.12 Site Plan Review Agreement

1. A Site Plan Review Agreement to ensure the site is developed in accordance with the approved plan shall be drafted for all approved site plans. Terms and conditions of the Site Plan Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all of the ordinances of the City of Portsmouth, all applicable state and local regulations, and requirements of the Building Code to insure that all site development and construction is completed according to the Plan approved. A security shall be provided in a form and amount approved by the City.

2. The Site Plan Review Agreement shall be considered fully executed when the Agreement has been endorsed by the owner of the property and the Planning & Sustainability Director, and when the security has been approved by the City Attorney and placed on file with the Planning Department.

Section 2.13 Recording of Site Plans

1. An approved site plan shall be signed by the Planning Board Chairperson (or designee) and shall be recorded at the Rockingham County Registry of Deeds (RCRD). Site plans are not valid until recorded at the Registry of Deeds.

   (a) For the purpose of this requirement, only those sheets in the approved plan set which are intended to show the layout and arrangement of on-site vehicular and pedestrian circulation, off-street parking, and/or landscaping and screening shall typically be required to be recorded.

   (b) Notwithstanding the above, the Planning Board may require the recording of additional plan sheets or supporting documentation if the Board determines that such recording is necessary to ensure continued compliance with the conditions shown on the plans. Examples include plans showing specific measures designed to protect wetlands or manage stormwater.

2. The applicant shall submit to the Planning Department the following:

(a) One (1) hard copy and one (1) electronic file uploaded to the City's online permitting system of the final site plan incorporating any changes that have been required as a condition of the Planning Board vote;

(b) One original Mylar of the sheets from the final site plan that are required to be recorded at the RCRD.

3. The plan sheet(s) submitted for recording shall include the following notes:

   "1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
   2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning & Sustainability Director."

4. An amended site plan shall be recorded at the RCRD as above, provided that in the case of a plan amendment that is granted approval by the Planning & Sustainability Director or TAC without a hearing before the Planning Board, the recording of a notice of approval shall be sufficient unless otherwise determined by the Planning & Sustainability Director.

5. The applicant shall have the required site plans pre-approved by the Registry of Deeds prior to submitting mylars to the Planning Department for signature and recording.

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.

2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

3. If additional one (1) year extensions are requested, the owner will be required to have the previously approved plans reviewed by the TAC and the Planning Board. For this review the owner shall provide to the Planning Department the previously approved plans and supporting data.

4. Upon review of a request for an extension, the Planning Board shall have the authority to amend or deny a previously approved application. This review shall not require an application fee; however, the Planning Board

and/or TAC may, if deemed necessary by either chair, conduct a public hearing at the owner's expense.

5. A time extension shall be granted if determined that no change has taken place that would materially affect the currently approved site plan in regard to:

   (a) Traffic flow, volume, or congestion;
   (b) Pedestrian safety;
   (c) Drainage;
   (d) Water availability;
   (e) Sewer capacity;
   (f) Design standards;
   (g) Landscape elements; and
   (h) Zoning compliance.

6. The Planning Board shall not deny a request for an extension without first having held a public hearing.

Section 2.15 Post Approval Procedures

2.15.1 Amendments

After approval of the site plan the owner may request, in writing, approval of minor amendments. The Planning & Sustainability Director may approve the amendment in writing or may require review by the TAC or the Planning Board.

2.15.2 Landscape Markings

Once a site plan has been approved and prior to the signing of the Site Plan Review Agreement, the applicant shall tag or otherwise identify at the site all vegetation and natural features to be retained as shown on the approved site plan.

2.15.3 Construction Management and Mitigation Plan

1. The Planning Board, as a condition of approval, may require a Construction Management and Mitigation Plan (CMMP). If such a plan is required, no site work is authorized nor shall work commence before the Plan has been accepted and approved as to content and form by the City.

2. If the Planning Board requires completion of a CMMP all activities on the site shall be in full compliance with the CMMP.

2.15.4 Recording of Plans and Documents

Once a site plan has been approved and prior to the signing of the Site Plan Review Agreement, owner shall submit to the Planning & Sustainability Director documents showing all easements, licenses, rights-of-way, and maintenance agreements in a recordable format.

2.15.5 Submittal of a Land Use Development Tracking Form

The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.

Section 2.16 Project Inspection and Completion

2.16.1 Compliance and Enforcement

During construction and upon completion of the project, the Planning Board may require routine inspections to insure compliance with the approved site plan. Such inspections shall be performed by an oversight engineer or other licensed or certified professional at the expense of the applicant.

2.16.2 Final Inspection

1. Prior to the completion of the project, the applicant shall notify the Planning & Sustainability Director that the project is ready for final inspection.
2. All stormwater detention and/or treatment devices constructed onsite shall be certified by a qualified engineer as being built in accordance with approved site plans with a letter of certification submitted to the City Engineer.

2.16.3 As-Built Plan

1. At the completion of the project, the applicant shall submit to the Planning & Sustainability Director an "as-built plan" which shall include all surface and subsurface features, easements, licenses, rights-of-way, and maintenance agreements. The plan shall be prepared and stamped by a New Hampshire licensed land surveyor.

2. The applicant shall provide a digital version of the as-built plan. The purpose of the digital plan is to aid in updating the City's geographic information system (GIS). The City respects the copyright interests of the applicant's representatives and requires only factual, not expressive, data. The digital plan shall meet the requirements outlined in Attachment A.

3. The Planning & Sustainability Director may waive the requirement for an as-built plan.

2.16.4 Release of Performance Security

1. The Planning & Sustainability Director and City Attorney may order release of the performance security only after receipt of the Building Inspector's Certificate of Occupancy, the as-built plan, final inspections and completion of all required conditions of approval as required by the Planning Board.

2. If necessary, the Planning & Sustainability Director and City Attorney may order a partial release of the performance security, but no more than one partial release shall be permitted.

2.16.5 Long-Term Maintenance

The property owner shall maintain the property to comply with the approved site plan and shall fulfill all reporting requirements stipulated in the site plan review approval.

Section 2.17 Exemption of Approved Site Plan from Changes in Land Use Regulations

1. Under State statute (RSA 674:39), approved site plans are protected from future changes in regulations and ordinances as follows:

   (a) A site plan that has been approved by the Planning Board shall be exempt from all subsequent changes in site plan regulations and zoning ordinances (except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements) for a period of 4 years after the date of approval of the site plan by the Planning Board, provided that:

      (1) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval, or in accordance with the terms of the approval, and any required site plan security is provided to the City at the time of commencement of such development; and

      (2) The development remains in full compliance with the public health regulations and ordinances of the City of Portsmouth; and

      (3) At the time of approval, the site plan conforms to the site plan regulations and zoning ordinances then in effect at the site of such plan.

(b) Once substantial completion of the improvements as shown on the site plans has occurred in compliance with the approved site plans or the terms of said approval, or unless otherwise stipulated by the Planning Board, no subsequent changes in these Site Plan Review Regulations or the Zoning Ordinance shall operate to affect such improvements.

2. In the absence of a specific finding by the Planning Board, the following terms are defined for the purpose of determining exempting a project from subsequent amendments to local land use regulations:

(a) "Active and substantial development or building" shall mean the completion of all of the following in accordance with the approved plans:

(1) Installation and maintenance of erosion control measures; and
(2) Construction of all drainage improvements to service the development, including all detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.; and
(3) Construction of all roadways, accessways, etc. to a minimum of gravel base; and
(4) Construction and/or installation of all utilities ready for connection to proposed buildings and structures; and
(5) Construction of at least one building foundation or 20% of the total building foundations on the site, whichever is greater; and
(6) Review and approval of items (1) through (5) by the Department of Public Works or designated agent.

Site clearing, excavation or earth movement without completion of items (1) through (6) above shall not be considered "active and substantial development." A plan approved in phases shall be subject to this definition only for the phase currently being developed.

2. "Substantial completion of the improvements as shown on the site plan" is defined as the establishment of all on-site and off-site improvements specified in the site plan approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the four (4) year period specified in RSA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the City, substantial completion of the improvements in the subdivision shall be deemed to have occurred.

Article 3 Vehicular Circulation Standards

Section 3.1 General Provisions

1. All site development shall be designed and constructed to consider the safety, interests and convenience of all users – drivers, bicyclists, transit users and pedestrians of all ages and abilities.

2. All site plans shall portray the design of every element of vehicular circulation that provides access in and around the site, unless otherwise specified. The Planning Board may require that work involving areas of special sensitivity or significance be conducted by a traffic engineer licensed in New Hampshire.

Section 3.2 Off-Site Impacts

1. The applicant is responsible for assessing the impact of the proposed development on traffic patterns and vehicular circulation systems. The TAC and/or the Planning Board may require that a traffic study be performed and that a technical expert may be hired to review any traffic analysis performed by the applicant.

2. A traffic impact analysis shall be prepared by a professional engineer licensed in New Hampshire and experienced and qualified in traffic engineering, and shall contain the following information:

   (a) Existing traffic conditions on streets and intersections adjacent to the site, including daily and peak-hour traffic volumes, seasonally adjusted as determined by the TAC;

   (b) Projected traffic conditions on adjacent streets for the design year of occupancy and for the tenth year following occupancy or such longer period as the TAC or Planning Board determines applicable based on the scale of the project;

   (c) Projected impacts of the proposed development including:

      - total daily and peak-hour traffic entering and exiting the site
      - turning movements
      - estimates of induced vs. pass-by trips;

   (d) A proposed plan to mitigate the projected impacts of the development.

3. Projects shall be designed to maintain, and where possible enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.

4. The applicant shall provide traffic signal equipment, traffic signs, travel lanes, pavement widening, markings, sidewalks, and other improvements to existing streets upon determination by the Planning Board that the specific improvements are necessary for safe handling of traffic generated by the proposed development.

5. Projects having access onto congested public streets may be required to eliminate certain turning movements as determined necessary and practical by the Planning Board.

Section 3.3 General Accessway and Driveway Design

3.3.1 General Requirements

1. The internal network of accessways and driveways shall:

   (a) Provide for the safe, efficient and orderly movement of all modes of transportation, including vehicles, public transit, bikes and pedestrians;

   (b) Be designed to meet, but not exceed, the needs of the present and projected population served by the site, and;

   (c) Be designed to respect natural features and topography.

2. Accessways shall be designed based on the anticipated role within the project site of the accessway as defined by AASHTO road classifications and/or approved by the Planning Board.

3. A driveway permit from the Department of Public Works shall be required for all existing and new driveways accessing a street.

3.3.2 Accessway and Driveway Design and Location

1. Accessways and driveways shall, where practical, have an all-season safe sight distance (according to AASHTO standards) in both directions along the public street. Where only a lesser sight distance is obtainable, no more than one accessway per single parcel shall be allowed.

2. Accessways and driveways shall be located no closer than fifty (50) feet to the curb line of an intersecting street.

3. Driveways shall be limited to one per lot.

3.3.3 Travel Lanes

Where multiple travel lanes are required, planted medians (designed in accordance with the landscaping standards in Article 6 herein) may be required at the discretion of the Planning Board to reduce the visual impact of pavement.

3.3.4 Shared Access

Shared driveways are encouraged and may be permitted between adjacent lots. In such cases, a joint access easement between the property owners may be required.

Section 3.4 Curbing

Granite curbing shall be installed per the Department of Public Works specifications in all of the following situations:

(a) Where accessways and driveways meet public streets;

(b) Where curbing is necessary to channelize surface drainage; and

(c) Where otherwise required by the Planning Board.

Section 3.5 Traffic Calming and Connections

1. Internal accessway networks shall be designed to optimize public safety.

2. Traffic measures shall be implemented to support the overall interconnectedness and coherence of the City's public street system.

Section 3.6 Drive-Through Facilities

3.6.1 Site Access and Circulation Standards

1. The internal entrance into the drive-through lane shall not conflict with the general access to the site.

2. The distance from any transaction window to the site exit shall be a minimum of sixty (60) feet.

3. Where a turn in the drive-through lane is required between a transaction window and the site exit, the distance from the transaction window to the beginning of the turn shall be a minimum of forty (40) feet with an internal minimum turning radius of seventeen (17) feet.

3.6.2 Stacking Lanes and Spaces

1. Stacking lanes shall be provided to prevent circulation congestion and conflicts, both within the site and on adjacent public streets. Stacking lanes shall be designed to separate drive-through traffic from other vehicular and pedestrian circulation.

2. Stacking lanes shall not conflict with or impede vehicular or pedestrian circulation within the site, access into or out of parking spaces, or access into buildings; and shall not interfere with required loading and trash storage areas.

3. Stacking lanes shall be at least 10 feet wide and stacking spaces shall be at least 20 feet in length.

4. The applicant must demonstrate that the number of stacking lanes and spaces proposed are sufficient for the intended use.

5. A bypass lane at least 11 feet wide shall be provided in order to permit vehicles to exit the site without using the drive-through lane(s).

6. Stacking lanes (not including bypass lanes) shall be set back 15 feet from the property line fronting on any public way, 15 feet from any side or rear property lines which abut non-residential properties, and 20 feet from any side or rear property lines which abut residential property.

7. Stacking lanes shall be integrated with the onsite circulation pattern, and shall not enter directly from a public right-of-way.

8. Stacking lanes shall be distinguished from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping or the use of alternative paving materials or medians.

9. The intersection of stacking lanes and walk-in customer access shall be a minimum of fifty (50) feet from site entrances and exits and from transaction windows. Said intersections shall be provided with crosswalks delineated by patterned or contrasting paving and striping and shall include warning signage aimed at both the pedestrian and vehicle.

3.6.3 Traffic Impact Study

A traffic impact analysis conforming to the standards in Section 3.2 shall be submitted with any site plan review application containing a drive-through facility.

3.6.4 Noise Reduction

Sound pressure levels created by devices in the drive-through facility, including but not limited to speakers, shall comply with the standards for noise control in the Zoning Ordinance. Methods of communicating to patrons that do not require the use of speakers shall be used where feasible or where required by the Planning Board.

3.6.5 Screening

1. Drive-through lanes, stacking spaces and bypass lanes that would be visible from a public right-of-way or from land in a Residential or Mixed Residential zoning district shall be screened from view to at least three feet above grade.

2. Screening shall be with brick or stone walls, berms, or equivalent structures approved by the Planning Board. Walls, berms and other screening structures shall be supplemented by plantings such as shrubs and trees.

3. Notwithstanding the above, drive-through facilities need not be screened from a public right-of-way if (a) the right-of-way is more than 100 feet from the drive-through facility and (b) the Planning Board determines that existing or proposed topography or landscaping will provide adequate visual relief and prevention of glare.

Section 3.7 Loading and Service Areas

3.7.1 Location

1. Loading and services areas shall not be located between the front property line and any building or structure nor in the required side yard or rear yard areas.

2. No off-street loading or maneuvering areas shall be nearer than 100 feet to any adjoining Residential or Mixed Residential Zoning Districts.

3. All such areas shall be screened in accordance with Article 6 of these regulations.

4. No off-street loading areas shall be a part of an area used to satisfy the off-street parking requirements of the Zoning Ordinance.

3.7.2 Design Standards

Loading areas and accessways to loading areas shall have a durable surface (whether pervious or impervious) that meets the load bearing capacity of the project, minimizes dust, material tracking and erosion, and facilitates snow removal.

3.7.3 Required Loading Areas

The Planning Board may require one or more loading areas where the scale or nature of the proposed use is expected to generate regular delivery, moving, service, or freight activity.

In determining the need for loading facilities, consideration shall be given to:

1. Building size;
2. Nature of the proposed use;
3. Frequency and type of deliveries;
4. Availability of on-street loading opportunities;
5. Internal circulation and site constraints; and
6. Potential impacts on neighboring properties and public streets.

Section 3.8 Fire Lanes

1. Fire lanes shall be provided in accordance with the City's Emergency Lanes Ordinance.

2. Fire lanes may be required to be within 30 feet of a building if deemed necessary by the TAC. A minimum of 5 foot wide unobstructed pathway shall be provided through all barriers, including rows of parked cars.

3. Fire lane and access easements shall be provided to serve all buildings and any areas deemed necessary for emergency vehicle access.

4. Required "NO PARKING FIRE LANE" signs shall be 12 inches wide and 18 inches high. Signs shall be painted on a white background with letters and borders in red, using not less than 2 inches lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six (6) feet, six (6) inches above finished grade. Signs shall be spaced not more than one hundred (100) feet apart. Signs may be installed on permanent buildings or walls or as approved by the TAC.

5. Pavement marking lines shall be painted in red traffic paint, six (6) inches in width to show the boundaries of the fire lane. The words "NO PARKING FIRE LANE" shall appear in four (4) inch white letters at 25 feet intervals on the red border markings along both sides of the fire lanes.

6. Curb marking shall be painted in red traffic paint from the top seam of the curb to a point even with the driving surface. The words “NO PARKING FIRE LANE” shall appear in four (4) inch white letters at 25 feet intervals along the curb(s).

7. All fire lanes shall be maintained and kept in a good state of repair at all times by the owner.

Section 3.9 Mass Transit Facilities

Mass transit facilities shall be incorporated at the discretion of the Planning Board based on future transit system needs. Transit routes, access points and shelter locations shall be addressed along major streets or accessways within and on the perimeter of such projects. Transit facilities shall be provided in a manner to make transit an attractive mode of travel for both employees and patrons.

Article 4 Parking Area Standards

~~Section 4.1 Parking Provision~~

~~The number of parking spaces required, parking facility setbacks, and location of parking facilities shall be in accordance with the off street parking standards in the Zoning Ordinance.~~

Section 4.1 General Provisions

1. This Article establishes the number of required and allowed off-street parking spaces for development subject to these Regulations, together with provisions for shared/off-site parking, reserve parking, bicycle parking, electric-vehicle parking, maximum parking, and alternative compliance mechanisms.

2. All new buildings and structures, as well as additions to or changes in use or intensification of use in existing buildings and structures, shall be provided with off-street parking spaces in accordance with this Section.

3. A use that is nonconforming as to the requirements for off-street parking shall not be enlarged or altered unless off-street parking is provided for the original building, structure or uses and all expansions, intensifications or additions sufficient to satisfy the requirements of this Section.

Section 4.2 Number of Required Parking Spaces

1. The number of required off-street parking spaces shall be the sum of the requirements for the various individual uses on a lot computed separately.

2. Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number.

3. Parking spaces occupied by **EV** chargers and supporting equipment may count towards minimum parking requirements.

4.2.1 Residential Uses

Use	Minimum Parking Requirement
Dwelling unit 500 sq. ft. or less	0.5 spaces per unit
Dwelling unit greater than 500 sq. ft.	1.0 space per unit
Coliving Facility within 600 feet of a public parking garage	No parking required
Coliving Facility not within 600 feet of a public parking garage	1 space per 4 coliving units

4.2.2 Nonresidential Uses

Use Category	Examples	Minimum Parking Requirement
Office and Professional Services	Offices, financial services, government offices, business services	1 space per 350 sq. ft. GFA
Medical Uses	Medical offices, dental offices, outpatient clinics	1 space per 250 sq. ft. GFA
Retail Sales and Consumer Services	Retail stores, personal services, salons, pharmacies	1 space per 300 sq. ft. GFA
Restaurants and Drinking Establishments	Restaurants, cafes, taverns, breweries, bars	1 space per 100 sq. ft. GFA
Child Care and Educational Uses	Day care centers, nursery schools, educational facilities, tutoring centers	1 space per employee on the largest shift
Recreation, Entertainment and Assembly Uses	Fitness centers, theaters, clubs, museums, recreation facilities	1 space per 250 sq. ft. GFA, or parking demand analysis
Lodging Uses	Hotels, inns, motels, bed and breakfasts	1.25 spaces per guest room
Industrial, Research and Production Uses	Manufacturing, research and development, laboratories	1 space per 750 sq. ft. GFA
Warehouse, Distribution and Wholesale Uses	Warehousing, distribution, storage, wholesale operations	1 space per 2,000 sq. ft. GFA
Residential Care and Assisted Living Facilities	Assisted living facilities, nursing homes, rehabilitation facilities, congregate care facilities	1 space per 3 beds, plus 1 space per employee on the largest shift

4.2.3 Unlisted Uses

1. Uses not specifically listed shall be assigned to the most similar parking category by the Planning & Sustainability Director based upon the nature of the proposed use and anticipated parking demand. Where a use is not reasonably comparable to an identified category, the Planning & Sustainability Director or the Planning Board may require a parking demand analysis.

4.2.4 Parking Demand Analysis

1. A parking demand analysis may be required for unlisted uses, mixed-use developments utilizing shared parking, requests for parking reductions or increases, or developments where the Planning Board determines that the minimum parking requirements may not accurately reflect anticipated demand.

4.2.5 Maximum Parking

1. For developments requiring more than twenty (20) parking spaces, the total number of spaces provided shall not exceed 120 percent of the minimum requirement unless otherwise approved by the Planning Board based upon a parking demand analysis.

4.2.6 Change of Use

1. Any change of use, change in occupancy, or intensification of use that increases the minimum parking requirement established by this Article shall require a parking compliance determination by the Planning & Sustainability Director.
2. Where the Planning & Sustainability Director determines that the proposed use does not comply with the parking requirements of this Article, the applicant may:
    1. Provide additional parking.
    2. Obtain approval of a parking modification pursuant to Section 4.3.
3. A change of use that does not increase the minimum parking requirement shall not require additional parking.

Section 4.3 Parking Flexibility

1. The purpose of this Section is to provide flexibility in the application of the parking requirements of this Article where strict compliance is not necessary to accommodate anticipated parking demand.

2. The Planning & Sustainability Director or Planning Board, as applicable, may approve modifications to the parking requirements of this Article, including:
    a. Reduced parking requirements;
    b. Shared parking;
    c. Off-site parking;
    d. Phased parking construction; and
    e. Reserve parking areas.

3. Any request under this Section shall be supported by information demonstrating that parking demand will be adequately accommodated.

4. In evaluating a request for a parking modification, consideration may be given to:
    1. The characteristics of the proposed use;
    2. Existing parking supply;
    3. Availability of public parking facilities;
    4. Availability of on-street parking;
    5. Proximity to public transportation facilities;
    6. Walkability and accessibility of the site;
    7. Shared parking opportunities;
    8. Existing or historic parking utilization;
    9. Parking demand studies or other supporting information; and
    10. Any other site-specific factors affecting parking demand.

Section 4.3.1 Administrative Parking Modifications

1. The Planning & Sustainability Director may approve a parking modification associated with a change of use, change in occupancy, or intensification of use where no exterior site modifications are proposed.

2. In considering a request under this Section, the Planning & Sustainability Director may consider the factors identified above and any additional information submitted by the applicant regarding anticipated parking demand.

3. The Planning & Sustainability Director may approve, approve with conditions, or deny a parking modification upon a finding that:

    a. The proposed parking supply will adequately accommodate anticipated parking demand; and

    b. The proposed use will not create unreasonable parking impacts on adjacent properties or the public right-of-way.

4. The Planning & Sustainability Director may refer any application to the Planning Board where, in the Planning & Sustainability Director's judgment, the nature, scale, or anticipated parking impacts of the proposed use warrant Planning Board review.

4.3.2 Planning Board Approval

1. Parking modifications associated with applications requiring Site Plan Review shall be reviewed and approved by the Planning Board.

Section 4.4 Shared and Off-Site Parking

1. Shared parking may be approved where the applicant demonstrates that peak parking demand for the uses served will occur at different times or that the combined parking demand of multiple uses will be less than the sum of the individual parking requirements.

2. The Planning & Sustainability Director or Planning Board may require a parking demand analysis or other supporting documentation demonstrating that adequate parking will be available to serve the proposed uses.

3. Any off-site parking or shared parking arrangement involving separate properties shall be secured through a recorded agreement acceptable to the City.

Section 4.5 Reserve Parking

The Planning Board may permit construction of fewer parking spaces than otherwise required where sufficient land is reserved for future parking expansion.

The reserve parking area shall:

a. Be shown on an approved site plan;

b. Remain available for future parking use; and

c. Not contain buildings or permanent site improvements that would prevent future parking construction.

Section 4.6 Location of Vehicular Use Facilities

4.6.1 General Standards

1. Required off-street parking spaces shall generally be located on the same lot as the principal use they are intended to serve.

2. The Planning Board may authorize required parking on a separate lot in accordance with Section 4.3.

3. In no case shall parking be permitted within a Residential or Mixed Residential District other than that which is accessory to a permitted principal use within the district.

4.6.2 Relationship to Buildings and Streets

1. Off-street parking areas, accessways, maneuvering areas, and traffic aisles shall be located and configured to:

   a. Promote safe and efficient vehicular circulation;

   b. Minimize conflicts between vehicles, pedestrians, and bicyclists;

   c. Minimize visual impacts from public streets and adjacent properties;

   d. Preserve opportunities for landscaping, stormwater management, and open space; and

   e. Support the character and design objectives of the surrounding area.

2. Required off-street parking spaces shall not be located between a principal building and a public street, including on corner lots.

3. Parking areas shall be designed to maintain safe and convenient pedestrian connections between public sidewalks, parking areas, and building entrances.

4.6.3 Screening

1. Parking areas, accessways, maneuvering areas, and traffic aisles adjacent to residential properties shall be screened in accordance with Article 6.

2. Required landscaped setbacks and landscaped buffer areas shall not be used to satisfy required parking.

4.6.4 Modifications

The Planning & Sustainability Director or Planning Board may require modifications to the location, configuration, or design of parking areas, accessways, maneuvering areas, and traffic aisles where necessary to improve safety, circulation, pedestrian access, site design, or compatibility with surrounding development.

Section 4.7 Design of Off-Street Parking Facilities

1. The provisions of this Section shall apply to all off-street parking facilities, whether in parking structures or surface lots, and whether or not the parking spaces are required or in excess of the requirements for a use, except as specifically exempted herein.

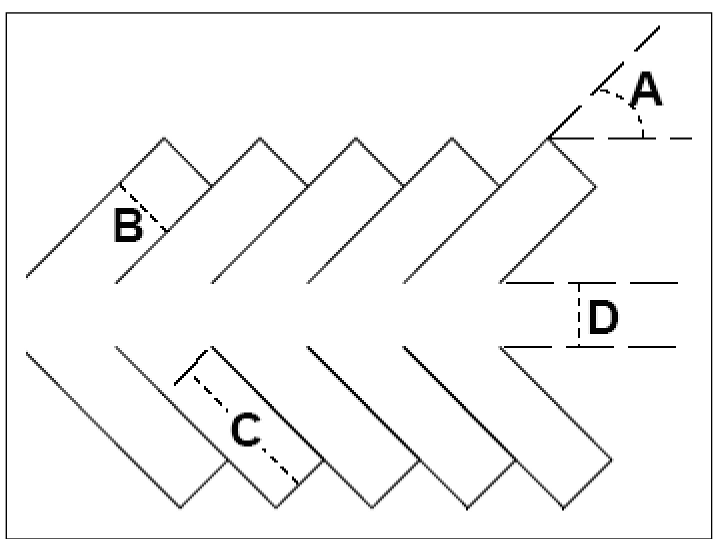
2. Parking spaces and maneuvering aisles shall be laid out in compliance with the minimum dimensions set forth in the Table of Off-Street Parking Dimensions.

Table of Off-Street Parking Dimensions

A Angle of Parking (degrees)	**B** Width of Parking Space	**C** Depth of Parking Space	**D** Width of Maneuvering Aisle *	
			1-way traffic	2-way traffic
0°	8.5’	20’	14’	24’
45°	8.5’	19’	16’	24’
60°	8.5’	19’	18’	24’
90°	8.5’	19’	24’	24’

* The minimum width of a maneuvering aisle shall be 22 feet for (a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or
(c) an aisle in a parking structure for 1-way traffic with 90-degree parking.

Key to Table of Off-Street Parking Dimensions



3. Parking areas shall include parking spaces for the physically disabled in compliance with the Building Code and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).

4. Parking spaces located within four feet of an abutting structure, sidewalk, or public street shall be designed with suitable bumper stops.

5. Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing maximum occupancy of the project; minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.

6. All off-street parking spaces shall be marked and maintained to provide delineation between parking stalls and aisles.

7. All off-street parking areas shall be designed so that:

    (a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and

    (b) Vehicles can enter and leave the parking area without backing into or from a public street or way.

8. Notwithstanding the previous provision, tandem parking spaces may be provided for required off-street parking spaces serving dwelling units in residential and mixed-use developments, subject to the following requirements:

    a. Tandem spaces are assigned to the same dwelling unit;
    b. Tandem parking is not used for visitor parking; and
    c. Tandem spaces have minimum dimensions of 9 feet by 38 feet.

9. All off-street parking areas shall incorporate the following provisions for pedestrian circulation:

    (a) A minimum 5-foot-wide pedestrian path shall be provided throughout the site, connecting adjacent streets, accessways, sidewalks and parking areas to the entrances of all structures.

(b) Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.

(c) Continuous off-street vehicle routes shall be no more than 200 feet in length before interruption by pedestrian cross-walks over speed tables, T-intersections or other design elements to calm vehicle movement on site.

Section 4.8 Off-Street Parking Provisions in the Downtown Overlay District

1. The provisions of this Section recognize the availability of municipal parking facilities, on-street parking, and walkable development patterns within the Downtown Overlay District.

2. Residential uses shall comply with Section 4.2.

3. Hotels, inns, and motels shall provide:
   a. 0.75 parking spaces per guest room; and
   b. 1 parking space per 25 square feet of conference or banquet facilities.

4. No minimum parking requirement shall apply to other nonresidential uses within the Downtown Overlay District.

5. For uses within the Downtown Overlay District that are subject to a minimum parking requirement under this Section, the number of required off-street parking spaces shall be reduced by four (4) spaces.

Section 4.~~2~~9 Requirements for Accessible Parking for the Physically Disabled

1. Specially designated parking spaces for the physically disabled shall be located closest to the designated accessible primary entrance(s).

2. If possible, these shall be located so that physically disabled persons do not have to cross vehicular travel lanes.

3. Ramps required as a means of egress leading from specially designated parking spaces for the physically disabled in parking lots shall be in conformity with Building Code.

4. Parking for the physically disabled shall comply at a minimum with the standards provided by *Accessible and Usable Buildings & Facilities* (ICC/ANSI A117.1 latest edition).

Section 4.~~3~~10 Off-Street Parking Space Design and Layout

~~In addition to the requirements of the Zoning Ordinance, the following design standards shall apply.~~

1. Every effort shall be made to use pervious parking and pathway surfaces as an alternative to impervious asphalt or concrete for overflow parking areas, except in cases where it is determined that a traditional impervious parking lot with engineered stormwater systems renders greater protection of surface and groundwater resources than pervious pavement.

2. When provided, motorcycle parking pads shall be concrete.

Article 5 Pedestrian and Bicycle Circulation

Section 5.1 General Provisions

1. The site plan shall provide for a system of pedestrian or bicycle paths, or a combination of both, as appropriate to the type and scale of development. This system shall connect the major building entrances/exits, parking areas and any existing or proposed sidewalks within or adjacent to the project.

2. Any paths shall be located within the lot lines of the site, unless it is determined by the Planning Board that it would be more appropriate to locate these in the public right of way.

3. The system shall also be designed to link the project with residential, recreational, commercial facilities, schools, bus stops and existing bicycle or pedestrian facilities in the neighborhood.

4. The system shall minimize conflicts between pedestrians, bicycles and motor vehicles.

Section 5.2 Sidewalks and Pedestrian Pathways

5.2.1 Accessibility

Sidewalks and pedestrian pathways shall be easily accessible to all users, whatever their level of physical ability, and comply at a minimum with the standards provided by *Accessible and Usable Buildings & Facilities* (ICC/ANSI A117.1, latest edition).

5.2.2 Travel Width

The sidewalk or pedestrian pathway shall be at least five (5) feet wide. If anticipated pedestrian volumes warrant, the Planning Board may require a wider pathway.

5.2.3 Continuity

1. A sidewalk or pedestrian pathway shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.

2. Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.

5.2.4 Location

At a minimum, sidewalks shall be located along the front of the site, along the front of buildings, and shall connect to building entrances.

5.2.5 Pedestrian Amenities

1. Sidewalks and pedestrian pathways longer than 500 feet shall provide areas for standing and sitting and may include pedestrian amenities such as benches, tables, shade trees or grassy areas.

2. Such pedestrian areas shall be a minimum of 100 square feet in area and shall be provided at regular intervals of 300 feet along the sidewalk or pedestrian pathway.

5.2.6 Surfacing Materials

Any off-site improvements to public sidewalks that are required as part of the project shall use surfacing materials specified by the Planning Board.

Section 5.3 Bicycle Facilities

5.3.1 General

1. Bicycle facilities (including routes and racks) may be combined with pedestrian facilities when designed according to shared path standards of AASHTO, but not on City sidewalks.

2. Bicycle facilities shall be designed in accordance with AASHTO, Guide for the Development of Bicycle Facilities, as amended.

5.3.2 Bicycle Routes

Bicycle routes may be required by the Planning Board in the form of a separate off-street path or on-street marked bicycle lanes.

5.3.3 Bicycle Racks

Bicycle racks, when required by the Planning Board, shall meet the following requirements:

(a) All racks shall be located in a convenient and secure location.

(b) Where bicycle racks are placed near trees, trees shall be protected with tree guards to prevent the securing of bicycles to trees.

(c) All racks shall be designed to allow the frame and one wheel to be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.

(d) All racks shall be securely anchored to a durable, hard paved (preferably concrete) permanent surface.

5.3.4 Bicycle Parking

1. Off-street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:

Multifamily dwellings	1 bicycle space for each 5 dwelling units or portion thereof
Elementary, middle and high schools	1 bicycle space for each 4 students
All other uses	1 bicycle space for each 10 automobile parking spaces required under these regulations or fraction thereof

2. When the Planning Board approves the construction of fewer off-street parking spaces than would normally be required, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required.

3. In addition to the number of bicycle parking spaces required above, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.

4. The following uses are exempt from providing bicycle parking spaces:

    a. One-family and two-family dwellings;
    b. Accessory dwelling units;
    c. Assisted living facilities and residential care facilities;
    d. Agricultural uses;
    e. Warehousing, distribution, and similar industrial uses where bicycle parking demand is expected to be minimal; and
    f. Other uses determined by the Planning Director to have minimal bicycle parking demand due to the nature of the use, anticipated occupancy, or operational characteristics.

Article 6 Landscaping and Screening Standards

Section 6.1 General Provisions

Landscaping shall be provided that:

(a) Defines areas for pedestrian and vehicular circulation;

(b) Breaks up the mass of buildings and impervious areas;

(c) Incorporates existing native vegetation and other natural features into the site design;

(d) Micromanages and controls stormwater at its source to minimize off-site impacts;

(e) Conserves water and reduces outside water use on the site;

(f) Provides buffers between incompatible land-uses or sites;

(g) Softens architectural and structural materials;

(h) Minimizes the need for fertilizer and pesticide usage and the introduction of pollutants to the environment.

Section 6.2 Landscaping Plan

1. A landscaping plan shall be submitted with each application for Site Plan Review showing:

   (a) Existing and proposed vegetation including trees, shrubs and plant beds including all vegetation that shall be retained as required by the Planning Board;

   (b) Dimensions of undisturbed areas and measures that shall be used to protect during construction existing natural features that are to be retained;

   (c) Location of all utilities above ground and below ground and related easements;

   (d) Required front, side, and rear yards.

2. A plant schedule shall accompany the plan that includes the following information:

   (a) Botanical and common names;

   (b) Planting size and size at maturity;

   (c) Quantity;

   (d) Growth habits (branching, crown spread, root spread);

   (e) Tolerance to urban conditions including road salt, soil; compaction, drought, heat, and air pollution;

   (f) Planting requirements.

Section 6.3 General Requirements

1. Areas not occupied by buildings or other structures, parking, loading, and accessways shall be landscaped to provide visual relief from expanses of paving and buildings while providing shade and stormwater management benefits.

2. At a minimum, all yards, setbacks, and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required herein.

3. Landscaped areas shall consist of a combination of grass, flowers, vines, groundcovers, trees and/or shrubs. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective groundcover. Bare soil is not permitted. Managed lawn areas should be kept to a minimum to the extent practical especially areas that will not be accessed and where alternative options are available.

4. Natural features, existing healthy mature trees, and other existing vegetation shall be identified on the landscaping plan and shall be retained when required by the Planning Board.

5. Existing invasive plant species shall be removed and destroyed if required by the Planning Board. Applicants shall refer to the *Prohibited Invasive Plant Species List* maintained by the NH Department of Agriculture.

6. No loam or other topsoil shall be removed from the site as part of site development. Topsoil shall be appropriately stockpiled and stabilized for redistribution within new planting areas.

7. Existing topography shall be maintained unless otherwise permitted by the Planning Board.

8. Any areas disturbed during construction that will not be occupied by buildings or other structures, parking, loading, and accessways shall be replaced with a minimum of 6 inches of suitable topsoil that meets the specifications of the City of Portsmouth DPW and then shall be replanted according to the requirements herein.

9. Plant material and landscape maintenance procedures that incorporate water conservation techniques are preferred.

10. All local and state requirements for yards and sight distance shall take precedence for selection and placement of landscaping features, as applicable.

11. No plantings shall be placed where they may impede or interfere with existing or proposed sewer, water, natural gas lines, or power lines.

12. The front yard landscaping area may contain any of the following:

    (a) Public utility easements and open surface drainage easements that do not occupy more than thirty (30) percent of the required landscaped area. Such areas should be planted with perennials or groundcover so as not to interfere with utility connections;

    (b) Underground utility connections and transformers, provided that they do not encroach more than five (5) feet into the required landscaped area. Such equipment shall be landscaped to soften the visual impact.

13. Wherever appropriate, applicants shall incorporate Low Impact Development (LID) design practices and technologies in all aspects of the site's landscaping.

14. Topsoil applied on the site shall be a mixture of ¾ loam and ¼ compost and shall comply with the specifications of the City of Portsmouth DPW as provided in Attachment B of these Site Plan Review Regulations (as amended).

Section 6.4 Planting Requirements

The purpose of planting requirements is to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible.

At a minimum, all plantings shall be planted consistent with the *ANSI A300 Part 6 Standard Practices for Planting and Transplanting* (as amended).

In addition, the following planting standards shall apply:

(a). All planting holes shall be dug by hand. The only exceptions are for new construction where new planting pits, planting beds with granite curbing, and planting sites with Silva Cells (or equivalent) are being created. If a machine is used to dig in any of these situations and planting depth needs to be raised, the material in the bottom of the planting hole must be firmed with machine to prevent sinking of the root ball.

(b). Wire and burlap coverings shall be removed from the root ball and planting hole prior to planting.

(c). The root ball of the tree shall be worked so that the root collar of the tree is visible and no girdling roots are present.

(d). The root collar of the tree shall be 2”-3” above grade of planting hole for finished depth.

(e). All plantings shall be backfilled with soil from the site and amended no more than 20% with organic compost. The only exceptions are new construction where engineered soil is being used in conjunction with Silva Cells (or equivalent) and where new planting beds are being created.

(f). All plantings shall be backfilled in three lifts and all lifts shall be watered so the planting will be set and free of air pockets.

(g). An earth berm shall be placed around the perimeter of the planting hole except where curbed planting beds or pits are being used.

(h). 2”-3” of mulch shall be placed over the planting area.

(i). At the time the planting is complete the planting shall receive additional water to ensure complete hydration of the roots, backfill material and mulch layer.

(j). Stakes and guys shall be used where appropriate and/or necessary. Guy material shall be non-damaging to the tree.

(k). All planting stock shall be specimen quality, free of defects, and disease or injury. The City reserves the right to refuse/reject any plant material or planting action that fails to meet the standards and practices contained herein.

(l) When appropriate for trees placed within sidewalks, tree grates shall be used to prevent excessive soil compaction and to add interest to the pavement. Tree grates shall be fabricated of a strong, durable material, installed flush with grade, and provide an expandable center opening to allow for continued tree growth.

(m) Where applicable, tree guards shall be installed to protect the base of the tree from street activity.

(n) Tree wells over 6 inches deep or other landscape features that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed.

(o) All trees where required shall be welled and protected against change of grade.

(p) Where appropriate a tree protection plan meeting the specifications of the City of Portsmouth may be required by the City to protect trees at risk from damage during construction.

Section 6.5 Plant Selection

1. All proposed plantings shall be appropriate for the soils, weather and environmental conditions of the site. Particular attention shall be paid to tolerance to potential road salt and other deicing treatments.

2. Plant materials shall be of specimen quality conforming to the American Standards for Nursery Stock and shall be guaranteed for at least two growing seasons.

3. Plants on the *Prohibited Invasive Plant Species List* maintained by the NH Department of Agriculture shall not be planted.

4. Trees shall be selected for growing habits that are appropriate for the location. Consideration shall be given to crown height and canopy spread at maturity so as not to interfere with buildings, structures, pedestrian and bicycle facilities, or other site features.

Section 6.6 Landscaped Areas

1. Side slopes for all landscaped areas shall not exceed thirty-three (33) percent (3:1 slope), and shall be appropriately stabilized with vegetation.

2. Within parking areas, landscaped islands shall be provided between adjacent rows of parking and between groups of parking spaces with the goal of breaking up large contiguously paved areas.

3. Landscaped islands shall be a minimum of nine (9) feet wide or as necessary to provide adequate room for growth and so as not to interfere with access to vehicles, lines of sight, pedestrian travel, or the long-term health of the vegetation.

4. Landscaped areas shall consist of a combination of large and small trees, shrubs, perennial and/or annual flowers, and groundcover. Managed turf areas should be kept to a minimum to reduce mowing and fertilizer needs.

5. Landscaped areas shall be designed with a variety of plant species that provide seasonal variety.

6. Landscaping around building entrances, near parking spaces, and along pedestrian and bicycle ways shall not interfere or block line of sight, restrict travel, or present a hazard to personal property.

7. Any landscaping located within the safe site distance of a driveway entryway, as defined by AASHTO standards, shall be no more than 3 feet at mature height.

8. Areas between trees and shrubs shall be planted with groundcover spaced to cover the area within 3 years. Areas of exposed bare soil shall be avoided. Mulch shall not be considered a groundcover.

9. Pedestrian pathways made of permeable materials are encouraged where landscaping areas are of a size and shape to accommodate pedestrian passage.

10. Low Impact Development techniques such as rain gardens, bioretention areas, and tree boxes and other stormwater management landscaping techniques may be incorporated into landscaped areas and may replace required landscaping components as approved by the Planning Board.

Section 6.7 Landscaping Along Public Rights of Way

1. Where feasible or as required by the Planning Board, street trees may be planted along public rights-of-way with the goal of providing a tree-lined street.

2. Trees shall be spaced at a minimum of 1 tree per 30 lineal feet or farther apart if necessary to accommodate the mature crown spread of the tree.

Trees shall not interfere with buildings, overhead utilities, pedestrian travel, or access to on-street parking spaces.

3. In the Gateway District, the front yard shall include a landscaped buffer strip with a depth of at least one-third of the distance between the street right-of-way and any building, and extending across the width of the lot except for driveways, sidewalks and bicycle paths. The buffer strip shall be in addition to the street trees required herein, and shall include a combination of trees and lower-level elements such as shrubs, hedges, fences, planted berms, or brick or stone walls.

Section 6.8 Perimeter Landscaping

1. Parking areas shall be landscaped on the perimeter in order to soften the visual impact of the parking area while maintaining clear sight lines.

2. Landscaping between nonresidential uses is intended to provide visual relief from pavement. It may, however, encourage passage between nonresidential properties by (a) providing five (5) foot wide pedestrian pathways through landscaping elements at locations suitable for safe pedestrian circulation and (b) using landscaping materials that allow a clear sight line between properties at a height of three (3) feet.

3. A minimum nine (9) foot-wide landscaped buffer, including shade trees, between the street or accessway pavement and the sidewalk or pedestrian pathway shall be provided where adequate public right of way exists.

Section 6.9 Screening

1. Where nonresidential uses and/or off-street parking facilities abut a residential zone the perimeter shall be screened to provide physical and visual separation between uses.

2. Natural screening shall consist of evergreen shrubs/trees planted in a line to form a continuous screen and growing to a height of 6 feet within 3 years. The remaining portion of the screening area shall consist of large and small trees, grass, flower beds, or other vegetative groundcover planted to fully cover the ground surface of the area within 3 years.

3. A 6-foot high fence or masonry wall may be substituted for natural screening if approved by the Planning Board. The wall or fence shall be placed on the exterior side of any landscaping.

4. All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.

5. All mechanical installations and equipment, solid waste collection equipment, pump stations, and outdoor storage shall be screened or softened with landscaping that is appropriate for the location.

Section 6.10 Maintenance and Replacement of Landscaping and Screening

1. The property owner shall be responsible for the maintenance, repair, and replacement of all required screening and landscaping materials.

2. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.

3. The property owner will remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified, and approved by the Planning Board.

Section 6.11 Irrigation

1. Irrigation should be minimized to the extent possible through use of native drought tolerant species and the use of landscaping that does not require permanent irrigation systems.

2. When irrigation is necessary to support the establishment and/or maintenance of landscaped areas smart controllers shall be used that limit irrigation during the day and during rain events.

3. Where appropriate, additional water conservation features including trickle and drip lines, rain barrels, cisterns or other water harvesting elements shall be incorporated into the site design to help maintain plantings.

4. Applicants are encouraged to use recycled water for irrigation provided the harvesting and circulation systems and water quality meet the requirements of the City's Utility Ordinance and state standards.

5. Irrigation systems shall be installed and operated in accordance with the City's Utility Ordinance.

Section 6.12 Innovative Landscaping Practices

6.12.1 Green Roofs

Applicants are encouraged to use roofing materials that have a Solar Reflective Index (SRI) of at least 29 (greater for roofs with a slope of 2:12 or more) and to install vegetated roofs to minimize the runoff volume generated by the roof.

6.12.2 Solar Orientation

Applicants are encouraged to incorporate landscaping techniques that help reduce energy consumption for heating and cooling of buildings on the site. Trees should be planted in order to provide shade on buildings and parking lots in the warm seasons and to allow solar heat during the cool seasons.

Article 7 Water Resources Standards

Section 7.1 Low Impact Development (LID)

Applicants shall incorporate Low Impact Development (LID) site planning and design practices to the maximum extent practical (MEP) to reduce stormwater runoff volumes, maintain predevelopment site hydrology, and protect water quality in receiving waters. LID practices may include site design techniques (e.g., maintenance of vegetated buffers, minimizing of disturbance footprint) and structural measures to promote infiltration such as porous pavement, rain gardens or the capture / reuse of stormwater to reduce the stormwater volume discharged from the site. If LID practices are not proposed, the applicant shall fully demonstrate in writing why these practices are not feasible.

Section 7.2 General Water Quality and Stormwater Management Provisions

1. Water bodies, watercourses, and wetlands shall be preserved in their existing condition whenever possible.

2. All regulated substances shall be stored, transported, disposed or transferred in accordance with the rules for Best Management Practices for Groundwater Protection of the New Hampshire Department of Environmental Services (NH DES).

3. The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to surrounding properties or to public water supply systems or adjacent or downstream surface waters used for aquatic habitat support, aesthetic and/or recreational purposes.

4. For any on-site water system supplying 20,000 gallons per day (gpd) or more, evidence presented by a qualified hydrologist shall be sufficient to reasonably conclude that there will be no adverse effect on other public or private groundwater sources.

5. The development shall meet all applicable federal, state, and City regulations, statutes, ordinances, and standards regarding protection of water quality and stormwater management.

6. Stormwater treatment BMPs shall be designed to optimize nitrogen removal based on currently approved design standards and removal efficiencies listed in either the NH Stormwater Manual, as amended, Appendix F of the EPA NH MS4 Permit or as published by the UNH Stormwater Center.

7. Projects that involve replacement or adding new conveyance infrastructure that will connect to City infrastructure and/or are located on City property with a design life beyond 2050 (e.g. closed drainage pipes, bridges, culverts, etc.), shall incorporate applicable recommended flood protection measures and sizing design guidance contained in the *NH Coastal Flood Risk Summary: Part II: Guidance for Using Scientific Projections 2020* (as amended). The determination of applicability for such measures and design considerations shall be based on review by the City Engineer.

Section 7.3 Wellhead Protection Areas

1. The application for Site Plan Review shall indicate whether the proposed development is located in a wellhead protection or aquifer protection area, and such determination shall be approved by the Director of the Department of Public Works.

2. If the proposed development is determined to be located in a wellhead or aquifer protection area, the Planning Board may:

   (a) Require upgradient and downgradient U.S. EPA-type monitoring wells that are installed under the direction of a NH certified professional hydrogeologist;

   (b) Require that a first round of pre-construction samples be collected and analyzed and the results submitted to the Department of Public Works;

   (c) Determine that continued monitoring is necessary per the recommendation of the Department of Public Works;

   (d) Require an easement to access the monitoring wells in order to take future samples;

   (e) Require annual sampling of constituents of concern as determined by the Department of Public Works.

3. Within a wellhead protection area no more than twenty percent (20%) of a single lot or building site shall be rendered impervious to groundwater infiltration.

Section 7.4 Stormwater Management and Erosion Control Plan (SMECP)

The applicant shall submit a Stormwater Management and Erosion Control Plan.

The Planning Board shall approve the Stormwater Management and Erosion Control Plan if it complies with the requirements and objectives of these regulations. Such approval shall be a component of the overall subdivision or site plan approval. If disapproved, the Planning Board shall furnish the applicant with a list of plan deficiencies and procedures for filing a revised plan.

The Planning Board may require a third-party review by a qualified professional consultant of any Stormwater Management and Erosion Control Plan prepared under these regulations at the applicant's expense.

The SMECP shall, at a minimum, contain the following information, however, additional information may be requested by the Planning Board depending on the proposed project, water quality issues and third-party review recommendations.

1. Narrative that describes the proposed development activity, the proposed changes in land use, land cover and impervious areas, the anticipated construction period and timing, project start and completion dates, sequence and duration of grading and construction activities, sequence and timing of installation and/or application of soil erosion and sediment control measures as well as sequence for final stabilization of the project site.
2. Description of onsite and adjacent wetlands, streams and other water bodies or natural resources and the methods used to identify these resources.
3. Description of Low Impact Development (LID) practices and other protective measures to limit impacts to adjacent natural resources and water bodies.
4. Description of any applicable buffer setbacks, steep slopes, existing mature vegetation, unique habitat conditions, 100-year floodplain limits, manmade and natural drainage conveyances and constraints and known water quality concerns based on local data or the NHDES 303(d) list.
5. Description of existing drainage patterns, receiving waterbodies or drainage infrastructure and soil types for recharge potential.
6. Methods and assumptions used to calculate pre-and post-development runoff volume, peak discharge, and discharge velocity for the specified design storms.
7. Description of the procedures that will be used to store and/or dispose of solid waste during construction such as demolition materials, concrete washout material litter, hazardous liquids such as equipment fuel, as well as sanitary waste that have the potential to cause adverse impacts to water quality.
8. Where proposed changes are anticipated within mapped limits of the 100-year floodplain, provide hydrologic and hydraulic analysis to show no net increase in flood elevations for the 100-year flood.
9. Description of the proposed erosion control and stormwater treatment measures, dewatering methods, including calculations of stormwater runoff rates and volumes and BMP sizing, a demonstration of no downstream impacts, inspection and maintenance procedures including discussion of roles and responsibilities and contingency measures for extreme precipitation events during construction.

10. Calculations for any proposed infiltration measures, including estimated infiltration rates based on test pit information and an estimate of the seasonal high-water table elevation. The calculations should account for frozen ground conditions, or when the devices may not function at their optimal design.
11. Any other specific study, calculation, or investigation as requested by the Planning Board (e.g. sea level rise estimates per other Regulations).
12. The SMECP and drainage plans shall be certified by a licensed professional engineer, registered in the State of New Hampshire.
13. Description of the proposed erosion control inspection and maintenance procedures including planned frequency, reporting, roles and responsibilities, contact information and contingency plans for extreme weather events.
14. A long-term post-construction stormwater BMP maintenance plan that describes inspection and maintenance procedures for all post-construction stormwater control measures including a description of the responsible party that will perform the long-term maintenance, reporting procedures and process for corrective actions.
15. Description of the procedures for removing temporary erosion control measures and removal of accumulated sediment captured by such measures.
16. For projects draining to inland wetlands and water bodes, the SMECP shall include a description of winter maintenance practices including any onsite salt storage and handling practices, snow storage and Best Management Practices that will be deployed to minimize the use of road salt.

Section 7.5 Construction Erosion Control Design Standards

The following standards shall be applied in selecting and designing appropriate stormwater management and erosion control measures during the construction phase. If a Stormwater Pollution Prevention Plan (SWPPP) has been prepared to comply with the EPA Construction General Permit (CGP), relevant portions of the SWPPP can also be utilized to satisfy the required SMECP contents, provided the listed required elements are included in the SWPPP.

1. The selection, sizing, installation and maintenance of all erosion and sediment control measures shall be consistent with the design guidance set forth in the NH Stormwater Manual, Volume 3 (as amended).
2. Whenever practical, natural vegetation (not included invasive species) shall be retained, protected and/or supplemented. Clearing of any vegetation shall be done in a manner that minimizes soil erosion. Vegetated areas to be retained should be clearly marked and protected using construction fencing or similar means.
3. Soil disturbance shall be avoided within established buffer setbacks as established by the City Wetland Protection section of the Zoning Ordinance.
4. The area of disturbance shall be kept to a minimum through innovative site

design and treatment methods that preserve and protect existing onsite and adjacent natural resources to the greatest extent practical.

5. Construction site disturbance should be phased to disturb only the amount of area needed to accommodate each phase of development and limit the amount of exposed soil area especially during winter months.
6. Adequate temporary solid waste and sanitary waste disposal facilities shall be maintained onsite during the construction period.
7. Adequate construction stone access pads shall be installed and maintained at the site entrance and exit locations to prevent mud and sediment from being tracked on to pavement.
8. An onsite pre-construction meeting shall be held with the City Engineer or designated representative prior to initiating earth moving activities and after perimeter erosion control measures, protective fencing, waste disposal and construction access pads have been installed.
9. Disturbed areas shall be either temporarily or permanently stabilized by measures consistent with the guidelines included in the NH Stormwater Manual**.** In areas where final grading has not occurred, temporary stabilization measures shall be implemented as soon as practicable but no later than (7) calendar days from the initial disturbance or as requested by the City Engineer. Disturbed soil areas that have achieved final grading shall be permanently stabilized within (3) calendar days after final grading.
10. Upgradient surface runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
11. Natural drainage patterns and conveyances, including intermittent streams, swales, and drainage ditches shall be maintained to the extent practical to convey runoff from the project area. Perimeter controls shall not be placed within wetland buffer areas or intermittent and perennial stream channels.
12. Winter stabilization measures shall be deployed on disturbed areas that will remain idle over the winter period as described in the NH Stormwater Manual, as amended.
13. All erosion and sediment control measures shall be designed and installed in accordance with guidelines including in the NH Stormwater Manual, as amended.
14. All erosion control measures and related drainage ways shall be routinely inspected and maintained by a qualified professional to ensure measures remain in functioning condition until final site stabilization is accomplished.
15. All temporary erosion and sediment control measures shall be removed after final site stabilization.

Section 7.6 Post-Construction Stormwater Management Design Standards

7.6.1 Post-Construction Stormwater Management Standards

All development and redevelopment projects that are subject to Site Plan Review shall use an array of best management practices to reduce and treat stormwater runoff prior to discharging from the development. The Applicant will prepare and submit a Stormwater Management and Erosion Control Plan (SMECP) to the Planning Board that describes relevant details on the various best management practices that will be used to protect water quality and prevent flooding and, at a minimum, meets the following design standards:

1. Adequate provisions shall be made to retain natural and existing flow patterns and maintain existing groundwater recharge volumes to the maximum extent feasible, where appropriate, and/or retain, treat and/or potentially reuse the stormwater generated on the site.

2. Efforts shall be made to utilize methods that disconnect and/or reduce the amount of effective impervious area including, but not limited to, infiltration trenches, dry wells, bioretention areas, filter strips, permeable pavement, and cisterns.

3. Applicants shall demonstrate why on-site infiltration approaches are not possible or adequate before proposing the use of conventional systems that rely on collection and conveyance to remove runoff from the site.

4. All proposed stormwater treatment practices shall be adequately sized to treat the Water Quality Volume (WQV) or Water Quality Flow (WQF) in order to minimize pollutant discharges and be properly maintained in accordance with NH Administrative Code PART Env-Wq 1507.03 “Pollutant Discharge Minimization Requirements” and PART Env-Wq, 1707.03, respectively (or as revised / renumbered).

5. Where vegetated areas are used to control and treat stormwater, such areas shall be planted with appropriate non-invasive groundcover, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of stormwater.

6. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2, 10, 25, and 50-year, 24-hour storm event. Rainfall amounts for these events shall be based on local rainfall data using the extreme precipitation table provided by the Northeast Regional Climate Center or as otherwise required by the NHDES Alteration of Terrain requirements, if applicable. Where stormwater will

discharge directly to tidal waters, the Planning Board may waive peak flow control requirements provided the Applicant can demonstrate minimal risk of flooding or increased erosion as result of the discharge, adequate onsite stormwater treatment is provided for water quality purposes and the City Engineer concurs with the waiver request.

7. Site development shall comply with the requirements of the Flood Plain District as regulated by the Zoning Ordinance.

8. BMP designs shall include appropriate separation distances from the seasonal high-water table elevations, where appropriate, and as specified in the *New Hampshire Stormwater Manual* (as amended).

9. Salt storage areas shall be covered using permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and be maintained with good housekeeping measures in accordance with NHDES guidance documents.

10. Snow storage areas shall be located such that no direct discharges to receiving waters are possible from the storage site. Runoff from snow storage areas shall enter treatment areas to remove suspended solids and other contaminants before being discharged to receiving waters or preferably be allowed to infiltrate into the groundwater.

11. The applicant shall demonstrate that there is sufficient on- and off-site downstream channel or system capacity to carry the stormwater run-off volume and flow without adverse effects, such as flooding and erosion of stream banks and shoreland areas.

12. Stormwater treatment BMPs involving excavation or other site alterations shall be located outside of protected wetland buffer areas as defined in the City's Zoning Ordinance Article 10 -- Environmental Protection Standards unless approved under a Conditional Use Permit as outlined Article 10, as amended.

13. In addition to the requirements of this Article, all developments subject to Site Plan Review shall comply with the City's Regulation of Discharges into the Stormwater Drainage System Ordinance.

14. The applicant shall submit documentation demonstrating how and who will maintain stormwater treatment devices post-development.

15 Property owners of new development projects that will add new paved areas shall minimize their salt use through appropriate measures including hiring Green SnowPro certified operators for winter maintenance.

7.6.2 Enhanced Stormwater Treatment Standards for New and Redevelopment Disturbing More than 15,000 square feet of Area

1. New Development

   In addition to the Basic Stormwater Management Design Standards listed above, all new development projects that will disturb more than 15,000 square feet of area and are subject to Site Plan Review shall meet the enhanced stormwater treatment standards to minimize the discharge of pollutants consistent with the NH MS4 Stormwater Permit and N.H. Code Admin. R. Part Env-Wq 1507.03, and shall include but not limited to the following:

   (a) Retain or treat stormwater runoff before discharged to a surface water or the MS4 system by one of the following:

      i. Adequately size and install BMPs that are designed to retain the Water Quality Volume from the total post-construction impervious area calculated in accordance with N.H. Code Administrative Rules Part Env-Wq 1504.10, OR
      ii. Include BMPs designed to remove 80% of the average annual Total Suspended Solids (TSS) load and 50% of the average annual Total Nitrogen (TN) load generated from the total post-construction impervious area.

   (b) Applicants shall provide details on the proposed BMPs in the SMECP including type, location, sizing and related calculations that demonstrate both the Basic and Enhanced Stormwater treatment standards will be met and the export of TSS and nutrients from the site have been minimized to the maximum extent practical given the proposed use and the characteristics of the site.

   (c) Runoff from new development shall meet the anti-degradation provisions of the state water quality standards (Env-Wq 1700) that require that no additional pollutant loads shall contribute to existing water body impairments.

   (d) Proposed projects that will drain to inland wetlands and water bodies and will create additional roadway or ten (10) or more additional parking spaces, the Applicant shall develop a winter maintenance plan that describes any onsite storage and handling of road salt, anticipated snow storage areas, and efficient deicing practices that will limit the amount of road salt used including the use of Green SnowPro Certified Operators

2. Redevelopment Projects: Redevelopment refers to any proposed development activity subject to Site Plan Review on an existing parcel where 40% or more of its developable land is comprised of impervious surfaces. Stormwater from <u>the disturbed portion</u> of the redevelopment site shall be treated by one of the following techniques, listed in order of preference:

   (a) Implement LID or stormwater treatment BMPs that will disconnect and/or treat at least 30% of the existing impervious cover and 100% of any additional proposed impervious surfaces or paved areas preferably using filtration and/or infiltration practices; or
   (b) Implement LID or stormwater treatment measures to disconnect or treat at least 60% of the entire developed area.

7.6.3 Additional Pollutant Tracking and Accounting Program (PTAP) Submittal Requirements

All applicants shall submit, as part of the Final Post Approval Procedures (See Section 2.15), relevant PTAP information using the most recent online data portal currently managed by the UNH Stormwater Center and included on their website. The Planning Department shall be notified and copied of the PTAP data submittal. This may include, but not be limited to, the following information which will be submitted as part of the site plan application:

1. Property address, parcel map no., parcel size, property owner and contact information, Applicant's Engineer contact information.
2. Current property use, amount of existing developed area, impervious area and vegetated area draining to each receiving water body.
3. Proposed property use, amount of disturbed area, impervious area and vegetated area draining to each receiving water body.
4. Description of existing and proposed stormwater drainage conveyances and treatment BMPs and amount of impervious area expected to be treated before discharging to specific water bodies.
5. Direct Receiving Water Body, NHDES HUC Assessment Unit No. and any listed water quality impairments.
6. Maximum effective impervious surface cover that contributes to stormwater leaving the site shall be minimized to the maximum extent feasible. Applicants shall provide a calculation of the maximum effective impervious surface as a percentage of the site.
7. For purposes of these regulations, the total impervious area of a lot or site is defined as the total area of impervious parking lots, accessways, driveways, roof area, decks, paved walkways, sidewalks, and any concrete, stone, brick, asphalt or compacted gravel surface.
8. Impervious surfaces may be disconnected from the stormwater drainage network to reduce the total effective impervious surface cover through such techniques as infiltration or sheet flow over pervious area.

9. Estimates of pollutant load reductions or pollutant removal efficiencies provided by the proposed BMPs based on the impervious area and expected WQV volume treated and removal efficiencies provided in Appendix F or the NH MS4 Permit, published data reported by the UNH Stormwater Center or Appendix E of the NH Stormwater Manual, as amended.
10. Information on the long-term maintenance plan for the proposed BMP(s) including identifying the responsible party, inspection frequency and the reporting procedures consistent with the details identified in Sec. 7.4.6 below.

7.6.4 Responsibility for Installation and Construction

1. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of these regulations.

2. Installation of stormwater management and erosion control measures shall be overseen by a qualified engineer and the Planning Board may require independent review and oversight.

3. The Applicant shall provide the City with an emergency contact name and number for stormwater management emergency incidents. The contact name and number shall remain current during the life of the permit and shall be able to respond to emergencies as soon as possible within no more than four (4) hours at any given time.

7.6.5 Inspection and Maintenance Plans.

1. Long-term Inspection and Maintenance (I&M) Plan

   The applicant shall develop and execute an enforceable inspection and maintenance plan for both erosion control measures and permanent stormwater treatment measures to maintain their effectiveness for the duration of their useful life. The I&M Plan shall contain relevant protective covenants or land preservation commitments with a long-term agreement that specifies who will be responsible for inspecting and maintaining the long-term integrity and the stormwater BMP functions and protected area. The I&M Plan shall be provided to the Planning Board as part of the application review process prior to issuance of any local permits for land disturbance and construction activities. The Plan shall include the following items at a minimum:

   (a) This agreement will identify the Owner/ Operator and their successor that will be responsible for perform the inspections and maintenance and the ability to access these BMPs including all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system.

   (b) During the construction period, inspections shall be conducted at least once every seven (7) calendar days or once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inch or greater.

(c) Permanent Stormwater BMPs shall be inspected annually following post-construction

(d) The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices.

(e) The approved plan shall be incorporated into the agreement of the property on which such measures are located and recorded at the Rockingham County Registry of Deeds. The narrative shall be in the form of a typical Development agreement, or as otherwise set forth by the Planning Board.

2. Inspection reports are to be filed on-site in a location easily accessible to a City Engineer.

3. If the Applicant is unable to adequately provide the required inspection and maintenance activities during construction, the City may require additional escrow funding to be used by either the Applicant or the City solely to repair, replace and/or maintain the required measures.

4. As a condition of Planning Board approval, the owner, their successor and assigns shall consent to inspections by the Planning Board or its designee for compliance with these regulations.

Article 8 Utilities Standards

Section 8.1 General Provisions.

1. The development shall be provided with all utilities to adequately meet the anticipated use of the project.

2. All new and relocated wires, conduits, and cables shall be located underground.

3. All electrical and mechanical devices including transformers, telecommunications devices, equipment switching boxes, generators, and other utility cabinets shall be located within buildings when possible or hidden from street and pedestrian areas with landscaping or architectural screens when located outside according to the requirements of Article 6.

4. Temporary overhead power and telephone lines are permitted during construction only.

5. Utility equipment for private development shall not be built in public rights of way.

Section 8.2 Water Supply and Distribution System

1. Where a public water supply is reasonably accessible or required because of groundwater pollution problems, the development shall be provided with a complete water distribution system, including a connection for each legally subdivided lot in accordance with the City Utility Ordinance.

2. Adequacy of public water supply will be determined using existing DPW hydraulic models and studies.

3. Fire hydrants shall be located within five hundred (500) feet of a building (distance measured as usable, not as straight line).

4. Fire hydrants shall be served by a minimum 8 inch main.

5. Fire hydrant flow tests shall yield flow determined adequate for the project by the TAC.

6. The size, flow rate, and pressure of water mains serving the project shall comply with the City Utility Ordinance.

Section 8.3 Sanitary Sewers

All sewage disposal systems shall be designed, constructed and operated in conformance with the NH DES requirements in a manner that will prevent the spread of disease and illness; prevent the pollution of the municipality's brooks, streams, ponds, lakes, and groundwater table; and assure an adequate supply of potable and palatable water for human consumption.

8.3.1 Sewerage System

Existing sewer mains or lines into which the project will connect shall be capable of transporting estimated sewage generated in accordance with the City's Sewer Use Ordinance.

8.3.2 On-site Sewage Disposal System Design

In cases where connection to City sewer systems is not required, on-site sewage disposal systems shall meet NH DES rules and regulations. If required, the City may also conduct an independent review of the on-site disposal system design.

8.3.3 Design and Installation

1. All waste disposal systems shall be designed and installed in accordance with the rules, regulations and design criteria adopted by the NH DES and with the City's Utility Construction Manual.

2. Where an on-site sewage disposal system is proposed, the application shall list the types of uses for which the proposed system is designed.

8.3.4 Fats, Oil and Grease Controls

Measures for the treatment and disposal of fats, oils and greases shall conform to the City's Sewer Use Ordinance.

Section 8.4 Other Utilities

Preliminary approval from the applicable utility company for all other utility services including but not limited to electric, telephone, cable TV, and gas shall be secured prior to approval by TAC. Approvals shall be documented on site plans as appropriate.

Section 8.5 Oversize and Off-Site Improvements

The Planning Board may require that utilities for the proposed site plan be designed oversized, and/or with additional conduits or extensions provided within the public right-of-way, to serve nearby land that is an integral part of the neighborhood service or drainage area.

Article 9 On-Site Waste Storage and Disposal Standards

Section 9.1 Waste Accumulation

Except as otherwise allowed by City ordinances, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid or liquid waste accumulations.

Section 9.2 Storage Containers

1. Every property shall be supplied with adequate solid, semi-liquid, and liquid waste storage containers. These containers shall be provided by the owner of the property, construction company or by contract with a commercial hauler.

2. All solid waste storage containers shall be resistant to insect or animal entry. Liquid waste may only be stored in tanks designed for the particular waste type.

3. Containers will be constructed with rust and impact resistant materials and will be equipped with tight-fighting covers. Containers shall have an appropriate child safe design and be secure from unauthorized access after business hours (locked). The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-free condition.

4. All containers for regulated substances shall meet all applicable federal, state, and local standards.

Section 9.3 Location and Disposal

1. The owner of a property shall insure that the contents of all waste containers are to be emptied or removed for disposal as necessary to prevent nuisance odors and public safety hazards.

2. An appropriate location shall be provided for permanent placement of waste and recycling containers.

3. An appropriate location for temporary placement of waste and recycling containers for collection purposes shall be indicated on all site plans. Such locations shall provide for the safe, accessible and convenient placement of storage containers that do not interfere or impede daily operations and uses on the site or neighboring properties. Such locations shall provide adequate accommodation for access by waste collection and disposal vehicles so as not to damage sidewalks or other City property.

4. Dumpsters and other large exterior waste containers shall be located at service entrances and at the rear of buildings.

5. Dumpster or other waste container pads shall be a minimum of 20 feet from any property line or yard.

6. Dumpster or other waste container pads shall be a minimum of 20 feet from any inlet for stormwater collection.

7. The effluent from any stormwater pipe that drains the area where a dumpster or other waste storage container is located shall traverse a minimum of 50 feet of vegetated area before reaching the banks of the watercourse itself.

8. When a dumpster or other waste storage container pad is adjacent to a watercourse, a minimum landscaped area of 50 feet shall be maintained between the pad and the bank of the watercourse.

9. Recycling shall comply with the City's Solid Waste, Yard Waste and Recycling Ordinance.

10. Permanent and temporary storage locations for all waste and recycling containers shall provide access for waste removal vehicles without damage to sidewalks or other City property.

Section 9.4 Flammable and Combustible Liquids.

All flammable and combustible liquids shall be contained and stored in accordance with the National Fire Protection Association's standards and the International Fire Code. Location of all flammable, combustible and hazardous material storage shall be provided to the Fire Department along with a copy of all required Material Safety Data Sheets (MSDS) prior to Fire Department approval.

Section 9.5 Screening

Screening of on-site waste storage and disposal equipment shall be provided as required in Article 6, of these regulations.

Article 10 Outdoor Lighting

Section 10.1 General Provisions

All projects submitted for Site Plan Review shall provide dark sky friendly outdoor lighting according to these regulations in order to:

(a) Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce;

(b) Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;

(c) Conserve energy and resources to the greatest extent possible.

Section 10.2 Compliance with Zoning Ordinance

All projects shall comply with the outdoor lighting dark sky friendly standards provided in the Zoning Ordinance.

Section 10.3 Lighting Plan

1. When a proposed project includes outdoor lighting, the Site Plan shall include a lighting plan which shall show:

   (a) The location on the site where outdoor lighting fixtures (both pole and mounted) will be installed.

   (b) Scaled plans indicating the location of outdoor lighting fixtures on the site, the height of each fixture, the types of outdoor lighting proposed, and the level of wattage and initial lumens for all light sources.

   (c) A description of the outdoor lighting fixtures including but not limited to manufacturer's catalog descriptions and drawings. The required plans and descriptions shall be sufficiently complete to enable the Planning Board to readily determine compliance with the requirements of this regulation.

   (d) A photometric (iso-lux) plan indicating levels of illumination, in foot candles, at ground level.

2. The maintained horizontal illuminance standards set by the Illuminating Engineering Society of North America (IESNA) shall be observed.

3. Should any outdoor light fixture, or the type of light source therein, be changed after the building permit has been issued an amended site plan approval shall be required.

Section 10.4 Lamps

1. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer.

2. Lamps with a color rendering index lower than 50 are not permitted. This requirement shall not apply to decorative lighting which may include colored lamps, such as holiday lighting.

3. Commercial lighting shall meet minimum IESNA illumination levels while not exceeding IESNA uniformity ratios and average illuminance recommendations.

Article 11 Radio Communications Standards

Section 11.1 Site Survey

1. When necessary to provide emergency response communication to the site and at the request of the police or fire department, the applicant shall have a site survey conducted by a radio communications carrier approved by the City's Communications Division. The radio communications carrier must be familiar and conversant with the police and fire radio configuration.

2. If the site survey indicates that it is necessary to install a signal repeater either on or near the proposed project, those costs shall be the responsibility of the property owner.

3. The property owner shall be responsible to pay for the site survey whether or not the survey indicates a repeater is necessary.

4. The owner shall coordinate with the supervisor of radio communications for the City.

Attachment A: Digital As-Built Plan Requirements

1. The digital plan must show the same features as the hardcopy plan, including, but not limited to, structures, utilities, property lines, and survey monuments. Text items, such as titles and dimensions, are allowed but not required.

2. The file format must be either AutoCAD DWG, AutoCAD DXF, or an ESRI format. The plan must be in a single digital file with no external reference ("XREF").

3. The plan must be created in model space, with drawing units of U.S. survey feet. The north rotation must be 0°. New Hampshire state plane coordinates, NAD83 (1996), are preferred.

4. The features must be in the CAD layers and a list of layers shall be provided. Features that do not have a layer specified in this list must be in a separate, unique layer and identified in accompanying documentation. The City will provide a template CAD file upon request.

5. When creating line features that would represent polygons in a GIS, such as property lines and building footprints, the CAD user must snap end points of lines together and must make sure polygons close. All line features must be of a continuous line-type, such that each individual line/pipe feature (i.e. each segment) is only broken at the ends where a node/structure is located. Straight lines must be represented by only the beginning and ending x- and y-coordinate points.

6. All point features shall be entered using standard point/node symbols.

7. When choosing reference features, the applicant must begin at the top of the list. For example, manhole covers may only be used if no hydrants or valves are available. The reference features should be as far from each other as practical. If suitable features are not available within 750 feet (by survey traverse) of the project area, then the applicant shall, at the discretion of the Planning & Sustainability Director, either use alternative features or omit the features. The following reference features are allowed: survey control monuments with horizontal accuracy of at least FGDC Second Order, Class II, including City monuments; fire hydrant spindles, water main valves, and sewer force main valves; sewer or drain manhole cover centers; catch basin centers.

8. The digital plan must be accompanied by electronic documentation, such as a text file, containing the following information: the name of the applicant and the preparer of the plan; the name and version of the CAD software used to create the plan; the project address and/or parcel number.

Attachment B: Topsoil Specifications

1. The City of Portsmouth recommends a mixture of ¾ loam, and ¼ compost for all topsoil areas. This includes but is not limited to planting beds, turf areas and the green strip between the sidewalk and roadway.

2. The City requires a chemical and composition soil test for this mixture before applying to any areas.

3. The soil mixture shall be applied at a minimum depth of 6".

4. Loam should consist of 40% sand, 40% silt, and 20% clay.

5. Compost shall meet all of the following criteria and a soil test shall be provided from the compost distributor:

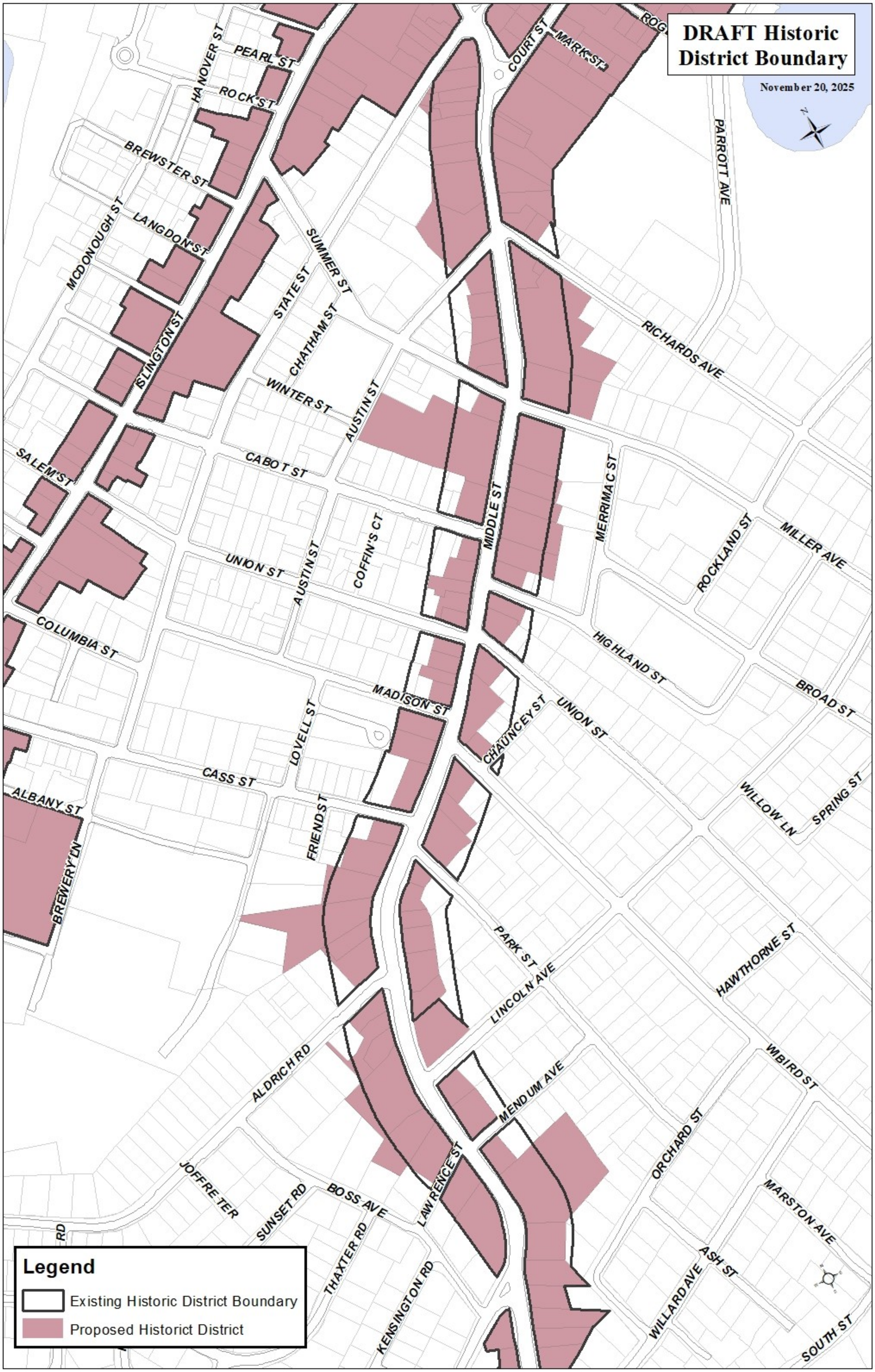
   a. Product shall be manufactured through the controlled aerobic, biological decomposition of biodegradable materials;

   b. Product shall have undergone mesophilic and thermophilic temperatures in order to reduce the viability of pathogens and weed seeds, and stabilize the carbon such that it is beneficial to plant growth;

   c. Product sanitization through the generation of thermophilic heat shall meet the standards of the Processes to Further Reduce Pathogens (PFRP), as defined by the Code of Federal Regulations Title 40, Part 503, Appendix B, Section B;

   d. Product shall bear little physical resemblance to the raw material from which it originated;

   e. Product shall be an organic matter source that has the unique ability to improve the chemical, physical, and biological characteristics of soils or growing media.



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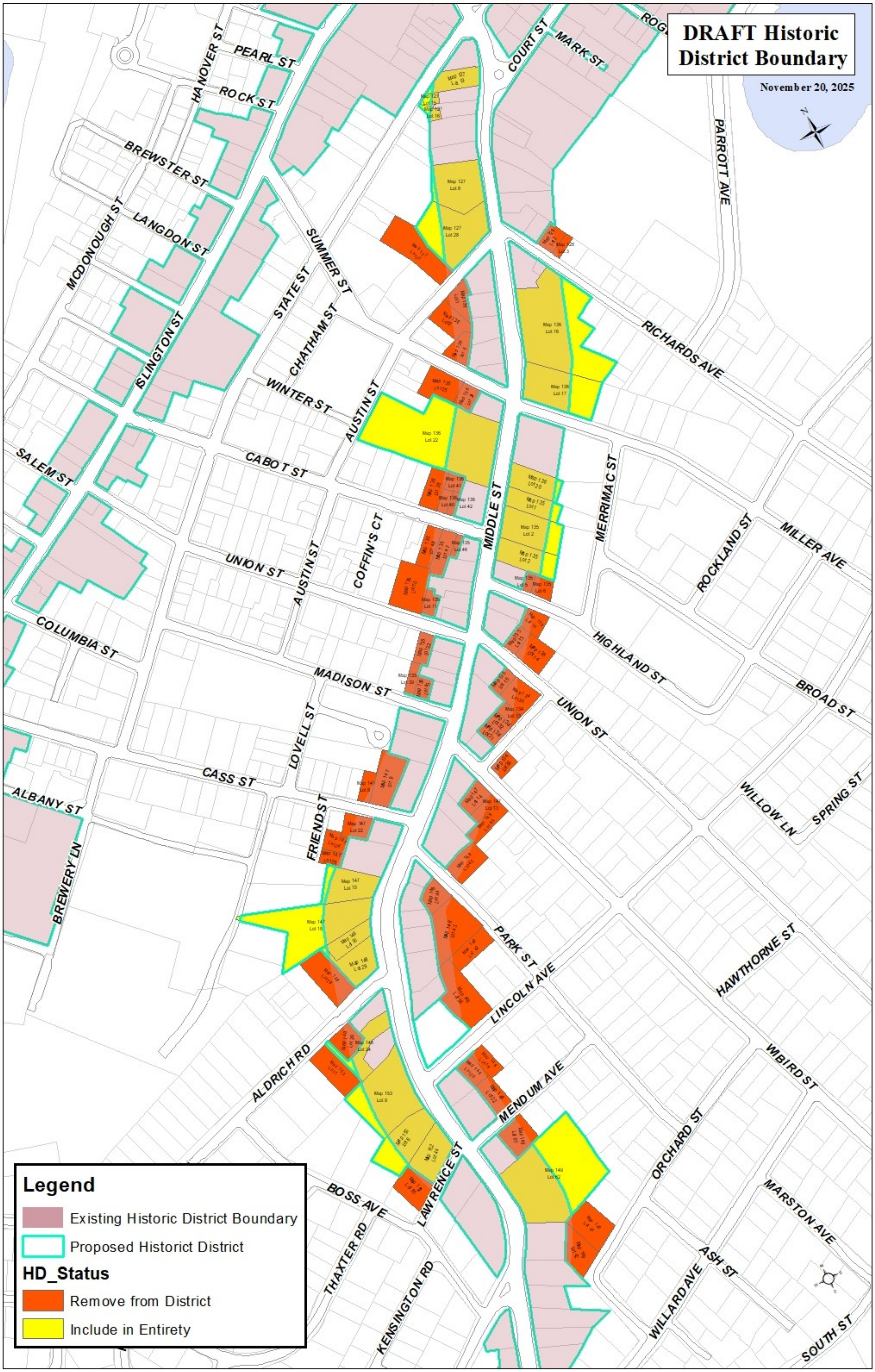

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THAXTER RD
KENSINGTON RD
MARSTON AVE
ASH ST
WILLARD AVE
SOUTH ST

Carson Taylor
670 Middle Street
carsonleetaylor@gmail.com

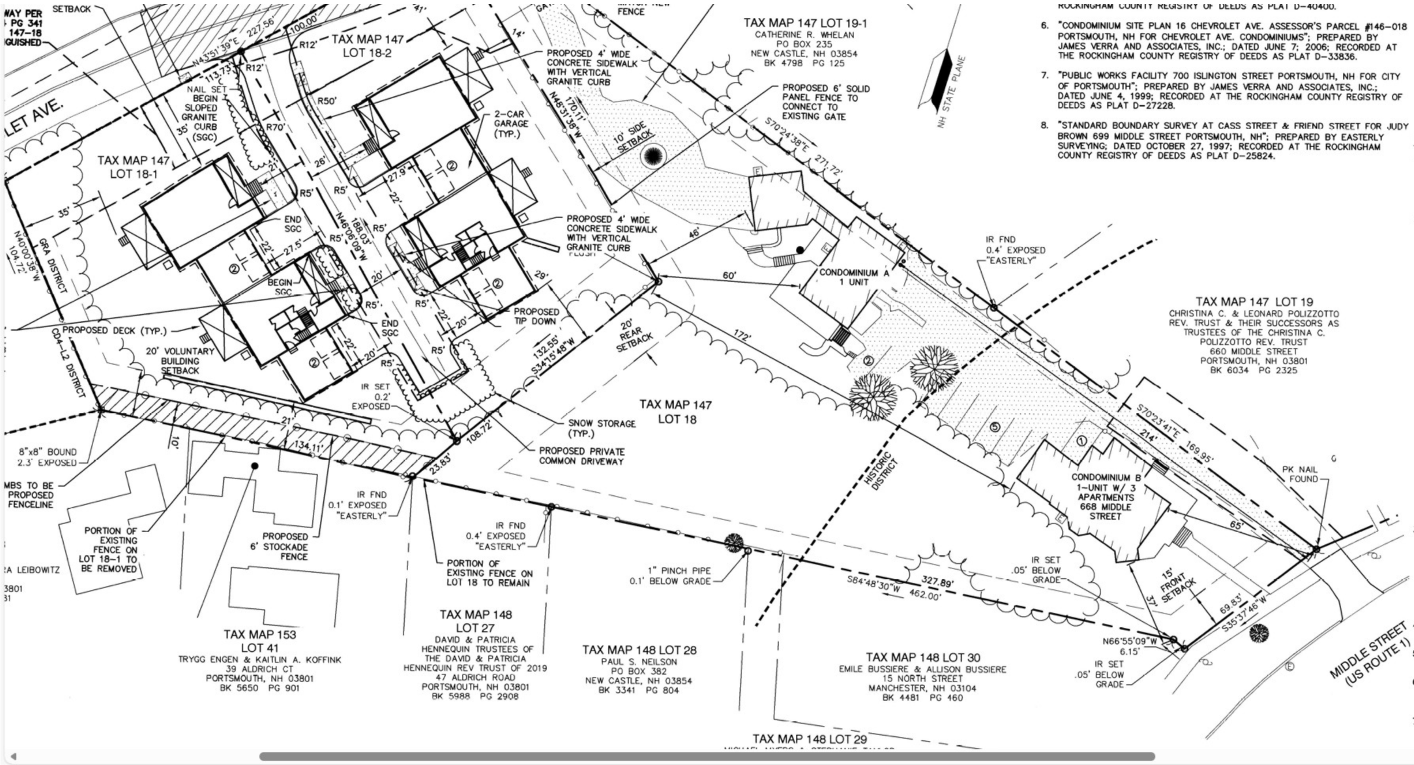
Attn: Planning Board

Dear members of the planning board,

I wish to have our primary residence (670 middle street, Tax Lot 147 18: Condominium A depicted on the site plan below) and limited common area (the "Condo"), which I (with my wife) purchased in 2023 exempted from the expansion of the historical district on Middle Street. I do not think including my primary residence within the historical district will benefit my family. Though I would hope my desire to opt out of the proposed expansion should be sufficient for the board to grant the exemption I seek, it is also true that inclusion into the historical district doesn't align with the objectives of the proposal because of certain specific features of the property.

The exert from the site plan below shows the two unit, two structure condo (two separate owners) which comprises the "lot" stretching from Middle Street to Chevrolet ave as well as the current historic district boundary and Middle Street. As you can see, the "lot" is large, even after the 2021-2022 subdivision which created the condos seen in the top left. The larger structure Condominium B, already part of the district, owns as limited common area, the only frontage on Middle Street. In fact, the front of the structure in Condominium A can't even been seen from Middle Street unless one is just in front of the shared, gravel driveway. Our main street access is out the back through Chevrolet Ave, where we have a paved driveway and a garage.

This is not a traditional condo. It was created only to facilitate the sub-division plan for the development of the condos shown. To the extent permissible by state law, the HOA is meant to delineate two separate lots, one boundary of which is the current existing historical district boundary. Specifically, in the HOA, the border between the Condo and Condominium B limited common area runs along the existing historical district line. Condominium B and the limited common area sits entirely *within* the existing district, Condominium A and its limited common area sits entirely *outside* of the existing district.



I have my firm reasons to ask this council to exempt our family's primary residence, the Condo, from the expansion of the boundary. Given my strong preference to be exempted and the specifics of the lot outlined above, I would ask the board to grant my reasonable but firm request for an exemption.

Respectfully Submitted

Carson Taylor

670 Middle Street

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Article 10 Environmental Protection Standards

Section 10.1010 Wetlands Protection

10.1011 Purpose

The purposes of this Section are:

(1) To maintain, and where possible improve, the quality of surface waters and ground water by controlling the rate and volume of stormwater runoff and preserving the ability of **wetland**s to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen.

(2) To prevent the destruction of, or significant changes to, **wetland**s, related water bodies and adjoining land which provide **flood** protection, and to protect **person**s and property against the hazards of **flood** inundation by assuring the continuation of the natural or existing flow patterns of streams and other water courses within the City.

(3) To protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.

(4) To protect, and where possible improve, wildlife habitats and maintain ecological balance.

(5) To protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.

(6) To protect, and where possible improve, shellfish and fisheries.

(7) To prevent the expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of **wetland**s.

(8) To require the use of **best management practices** and **low impact development** in and **adjacent** to **wetland** areas.

10.1012 Relationship to Other Regulations

10.1012.10 The provisions and criteria set forth in this Section are in addition to the provisions of applicable state and federal laws and regulations, other sections of this Zoning Ordinance, and other local ordinances and regulations.

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10.1012.20 Where any provision of this Section conflicts with a state or federal law or regulation, another section of this Zoning Ordinance, or another local ordinance or regulation, the more restrictive provision shall apply.

10.1012.30 Nothing in this Section shall permit a **use** or activity which is contrary to any other provision of the Zoning Ordinance.

10.1012.40 Notwithstanding any other provisions of the Zoning Ordinance, the City of Portsmouth and its administrative and operating agencies and instrumentalities shall comply with the provisions of this Section.

10.1013 Jurisdictional Areas

The provisions of this Section 10.1010 apply to the following jurisdictional areas:

10.1013.10 Any **inland wetland**, other than a **vernal pool**, that is 10,000 square feet or more in area;

10.1013.20 Any **vernal pool** regardless of area.

10.1013.30 Any non-tidal perennial river or stream.

10.1013.40 The **tidal wetland**s of Sagamore Creek, Little Harbour, North Mill Pond, South Mill Pond and part of the Piscataqua River, defined as follows:

(a) Sagamore Creek: Bounded by the easterly side of Peverly Hill Road and the southerly side of Greenleaf Avenue as these cross Sagamore Creek, and extending along the Creek to Little Harbour.

(b) Little Harbour: Extending along the Little Harbour shoreline from the municipal line with the Town of Rye to the southerly side of New Castle Avenue, and including Goose Island, Belle Island, Pest Island and that portion of Shapleigh Island lying south of New Castle Avenue.

(c) North Mill Pond: Extending along the entire shoreline of North Mill Pond between Bartlett Street and Market Street.

(d) South Mill Pond: Extending along the entire shoreline of South Mill Pond west of the tide gate at Pleasant Street.

(e) Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.

10.1014 Identification and Delineation of Wetlands and Wetland Buffers

10.1014.10 Wetlands

10.1014.11 Jurisdictional ~~w~~**Wetland**s shall be identified by use of the methodologies in the most current edition(s) of the **Federal Manual** and/or **Field Indicators**, as may be amended and supplemented from time to time and shall be delineated by on-site inspection ~~of soil types,~~

~~vegetation, and hydrology~~ by a **certified wetland scientist** at a time when conditions are favorable for such determination. Such identified **wetland**s shall constitute a **wetland** delineation of any **jurisdictional** **wetland** under this section.

10.1014.12 A **created wetland** shall be considered a **wetland** for the purposes of this section.

10.1014.13 Any area which may have been a **wetland** but was filled prior to January 1, 1970 or pursuant to properly issued federal, state and local permits granted prior to the adoption of this Ordinance shall be judged according to the conditions existing at the time an application for a **building permit** or subdivision is filed or submitted.

10.1014.20 Wetland Buffers

10.1014.21 The purpose of a **wetland buffer** is to reduce erosion and sedimentation into the **adjacent wetland**, **vernal pool** or water body, to aid in the control of nonpoint source pollution, to provide a vegetative cover for filtration of runoff, to protect wildlife habitat, and to help preserve ecological balance.

10.1014.22 The ~~required~~ **wetland buffer** is ~~for a jurisdictional **wetland** or water body shall be~~ defined as all land within 100 feet of ~~the~~ any jurisdictional ~~**area**~~**wetland or water body**.

10.1014.23 **Wetland buffer**s, including **vegetated buffer strip**s and limited cut areas, shall be parallel to and measured from the **reference line** for the applicable jurisdictional area on a horizontal plane.

(1) **Inland wetland buffer**s shall be measured from the edges of **inland wetland**s and surface water bodies.

(2) **Tidal wetland buffer**s shall be measured from the edges of **tidal wetland**s and **highest observable tide line**s.

10.1015 Notification to Planning Director

Notice shall be provided to the Planning Director prior to any construction, **demolition**, tree cutting, vegetation removal, or other **alteration** in a **wetland** or **wetland buffer**.

10.1016 Permitted Uses

10.1016.10 The following **use**s, activities and **alteration**s are permitted in **wetland**s and **wetland buffer**s:

(1) Any **use** that does not involve the erection or construction of any **structure** or **impervious surface**, will not alter the natural surface configuration by the addition of fill or by dredging, will not result in site **alteration**s, and is otherwise permitted by the Zoning Ordinance. Examples of such **use**s include forestry and tree farming,

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wildlife refuges, parks and recreational **use**s, conservation and

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nature trails, and **open space**s as permitted or required by the Zoning Ordinance or Subdivision Regulations.

(2) Improvements to existing public rights-of-way and **sidewalk**s.

(3) The construction of piers or docks, provided that all required local, state and federal approvals have been granted.

(4) The construction of an addition or extension to a **one-family** or **two-family dwelling** that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:

(a) The **footprint** area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the **footprint** of the principal heated **structure** existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar **building**s or **structure**s);

(b) The addition or extension shall be no closer to a **wetland** or water body than the existing principal **structure**; and

(c) The addition or extension shall conform with all other provisions of the Zoning Ordinance and with all other applicable ordinances and regulations of the City of Portsmouth.

(5) The use of motor vehicles, except for all-terrain vehicles, when necessary for any purpose permitted by this Ordinance.

(6) Emergency power generator outside the **wetland** and **vegetated buffer strip**, provided that the total **coverage** by equipment and any mounting pad shall not exceed 10 square feet.

(7) **Use**s, activities and **alteration**s that are consistent with a Wetland Protection Plan that has been approved by the Planning Board through the grant of a conditional use permit.

(8) Construction of fences outside the **vegetated buffer strip**, provided that any posts are no wider than 3” in any dimension, and that there are no footings and no ground disturbance beyond the installation of the posts.

10.1016.20 Any **use**, activity or **alteration** not specifically permitted by Section 10.1016.10 above is prohibited unless authorized by the Planning Board through the grant of a conditional use permit.

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10.1016.30 When the Planning Director reasonably believes that an existing or proposed **use**, activity or **alteration** that is not specifically permitted by Section 10.1016.10 is located in a **wetland** or **wetland buffer**, and a conditional use permit has not been granted for such **use**, activity or **alteration**, the Planning Director may require a **wetland** delineation complying with Section 10.1014 in order to verify the location or absence of **wetland**s and determine whether the **use**, activity or **alteration** requires a conditional use permit.

10.1017 Conditional Uses

10.1017.10 General

The Planning Board is authorized to grant a conditional use permit for any **use** not specifically permitted in Section 10.1016.10, subject to the procedures and findings set forth herein.

10.1017.20 Application Requirements

10.1017.21 The application shall be in a form prescribed by the Planning Board, and shall include the following information:

(1) Location and area of **lot** and proposed **development** activities and **use**s;

(2) Location and area of all jurisdictional areas (**vernal pool**, **inland wetland**, **tidal wetland**, river or stream) on the **lot** and, to the extents practical, within 250 feet of the **lot**;

(3) Location and area of **wetland buffer**s on the **lot**;

(4) Description of all proposed construction, **demolition**, fill, excavation, or any other **alteration** of the **wetland** or **wetland buffer**;

(5) **Setback**s of proposed **alteration**s from property lines, jurisdictional areas and **wetland buffer**s;

(6) Location and area of **wetland** impact, new **impervious surface**, previously disturbed **upland**;

(7) Location and description of existing trees to be removed, other **landscaping**, grade changes, fill extensions, rip rap, culverts, utilities;

(8) Dimensions and **use**s of existing and proposed **building**s and **Structure**s;

(9) Locations of any particular site features or constraints that provide support for the proposed **development** activities including, without limitation: bedrock; significant grades; contaminated soils or waters; other development that may exist between the proposed **development** activity and the

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wetland or **wetland buffer**; and any other elements specific to the proposed **development** which provide a basis for a conditional use permit under this section,

(10) A Wetlands Protection Plan;~~,~~

(11) Information as required by this Article, based on the amount of alteration proposed; and,

~~(9)~~(12) Any other information necessary to describe the proposed ~~construction~~ **development** activity or **alteration**.

10.1017.22 Where the proposed **development** activity ~~project~~ will involve the temporary or permanent alteration of more than 250 sq. ft. of **wetland** and/or **wetland buffer**, the

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application shall provide the following information about the affected **wetland** and **wetland buffer** ~~as follows~~:

(1) More than 250 sq. ft. and less than 1,000 sq. ft. of alteration to the **wetland buffer** (regardless of the amount of **alteration** to the **wetland**): (a) a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed; and, (b) ~~.~~
~~(1) Up to 1,000 sq. ft. of **alteration** to the **wetland**:~~ a **wetland** characterization that describes the type of **wetland** (e.g., emergent, scrub-shrub, forested), the percent of invasive species, and whether the **wetland** is seasonally flooded.

~~(2)~~ (2) For 1,000 sq. ft. or m~~M~~ore ~~than 1,000 sq. ft.~~ of alteration to the **wetland**: a functions and values assessment equivalent to the model set forth in Appendix A of *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEEP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.

~~(3)(1) More than 250 sq. ft. of alteration to the **wetland buffer** (regardless of the amount of **alteration** to the **wetland**): a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed.~~

10.1017.23 The application shall describe the impact of the proposed project with specific reference to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way), and shall demonstrate that the proposed site **alteration** is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Ordinance.

10.1017.24 Where feasible, the application shall include removal of existing **impervious surfaces** in an amount at least equal in area to the area of any new **impervious surface area** impact. ~~The intent of this provision is that the project will not result in a net loss of pervious surface within a jurisdictional wetland buffer. If~~

(1) If it is not feasible to remove existing **impervious surfaces** from the wetland buffer in an amount at least equal in area to the area of new **impervious surface** impact, the application shall include a **wetland buffer** enhancement plan that describes how the wetland functions and values will be enhanced to offset the proposed impact.

(2) The intent of this provision is that the approval of the project will not reduce the amount of pervious surface within a jurisdictional wetland buffer.

10.1017.25 A **wetland buffer** enhancement plan shall be designed to enhance the functions of the jurisdictional **wetland** and/or **wetland buffer** on the lot, and to offset the impact of the proposed project.

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(1) The **wetland buffer** enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, improved site hydrology, or protective easements provided offsite.

~~(2)~~ Where the vegetated buffer strip contains grass or non-native plantings, or is otherwise not intact, the first priority of the **wetland buffer** enhancement plan shall be to include revegetation of the vegetated buffer strip with native, low-maintenance shrubs and other woody vegetation.

(2) 10.1017.26 Where the proposed **development** ~~project~~ activity involves a use, activity or alteration in a **tidal wetland** or **tidal wetland buffer**, the application shall include a **living shoreline** strategy to preserve the existing natural shoreline and/or encourage establishment of a **living shoreline** through restoration, as applicable. Said **living shoreline** strategy shall be implemented unless the Planning Board determines that it is not feasible.

10.1017.30 Application Review Procedure

10.1017.31 The application for a conditional use permit shall be submitted to the Planning Director.

10.1017.32 The Planning Director shall refer the application to the Conservation Commission for review and comment.

10.1017.33 In addition to the wetlands mapping required for every application under this section, ~~T~~the Planning Board or the Planning Director may require the findings of an independent New Hampshire **certified wetland scientist** or other additional special investigative studies, and may assess the owner reasonable fees to cover the costs of such studies and for the review of documents required by application.

10.1017.34 The Planning Board shall hold a public hearing on the application within 90 days of the initial submittal to the Planning Board, and shall issue a letter of decision within 10 days of the public hearing, or within 10 days of a later meeting if the matter is continued. The time requirements stated herein may be waived by the applicant.

10.1017.35 Public notice for public hearings shall be made in accordance with State law.

10.1017.36 The application process pursuant to this section may proceed prior to and/or run concurrent with the State and Federal permit processes, but the conditional use permit shall not become effective until the State and Federal permits are received.

10.1017.40 Conditional Use Approval

10.1017.41 The Planning Board shall grant a conditional use permit provided that it finds that all other restrictions of this Ordinance are met and that proposed **development** meets all the criteria set forth in section 10.1017.50 or 10.1017.60, as applicable.

10.1017.42 The Planning Board shall evaluate an application for a conditional use permit in accordance with *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEEP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.

10.1017.43 The burden of proof that the criteria required for approval of the conditional use permit exist or are met shall be the responsibility of the applicant.

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10.1017.44 Economic considerations alone are not sufficient reason for granting a conditional use permit.

10.1017.45 Where new **impervious surface** is proposed in a **wetland** or **wetland buffer**, the submission of a plan to compensate for such new **impervious surface** does not guarantee that a conditional use permit will be granted.

10.1017.50 Criteria for Approval

Any proposed **development**, ~~other than~~ except: (1) **development** proposals which propose to improve existing conditions of a previously developed site by reducing existing **wetlands** or **wetlands buffer** impacts or improving environmental quality; or (2) installation of utilities within a right-of-way, shall comply with all of the following criteria:

(1) The land is reasonably suited to the **use**, activity or **alteration**.

(2) There is no alternative location outside the **wetland buffer** that is feasible and reasonable for the proposed **use**, activity or **alteration**.

(3) There will be no adverse impact on the **wetland** functional values of the site or surrounding properties;

(4) **Alteration** of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals; and

(5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section.

(6) Any area within the **vegetated buffer strip** will be returned to a natural state to the extent feasible.

10.1017.51 Improvements to Existing Conditions on Previously Developed Sites

A development proposal that proposes to reduce existing **wetlands** or **wetlands buffer** impacts or to improve environmental quality using state of the practice methods for such improvements on a previously developed site may be considered by the Planning Board based on the conditions of the site or sites under consideration, and the following provisions instead of those set forth in section 10.1017.50;

a) The prior history of the use of the site and adjacent properties if relevant to consideration;
b) If applicable, current environmental degradation that will be mitigated, corrected, or improved by the **development** proposal;
c) Demonstration by the applicant that there will be a demonstrable improvement to overall environmental conditions if the conditional use permit is granted to allow the **development** proposed; and
d) The recommendations and proposed conditions, if any, from the Conservation Commission.

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The Planning Board may require additional information, including from independent experts, under this section to allow consideration of the development proposal.

The Planning Board may grant a conditional use permit under 10.1017.51 if the Planning Board determines and overall improvement to existing conditions will be achieved by the **development** proposal.

~~(6)~~

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10.1017.60 Public and Private Utilities within Rights-of-Way in Wetlands and Wetland Buffers

The installation of utilities (including power lines and pipelines) within a right-of-way in an **inland wetland** or **wetland buffer** shall comply with all of the following criteria instead of the criteria set forth in section 10.1017.50:

(1) The proposed construction is in the public interest;

(2) Design, construction, and maintenance methods will utilize **best management practice**s to minimize any detrimental impact of such **use** upon the **wetland** and will include restoration of the site as nearly as possible to its original grade, condition and vegetated state;

(3) No alternative feasible route exists which does not cross or alter a **wetland** or have a less detrimental impact on a **wetland**; and

(4) **Alteration**s of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

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10.1017.70 Expiration and Extension

10.1017.71 A conditional use permit shall expire one year after the date of approval by the Planning Board unless a **building permit** is issued prior to that date.

10.1017.72 The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date. Any other extension may be granted only after a new public hearing on the reconsideration of the application.

10.1017.80 Wetland Protection Plan

10.1017.81 General

10.1017.810 A Wetland Protection Plan shall be required for all **developments** containing a commercial use, or propose to redevelop a site that previously contained a commercial use that propose to impact **wetland** or **wetland buffer**.

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10.1017.811 The owner of a parcel that contains more than 5 acres and more than 5 residential **structure**s may apply for a conditional use permit for pre-approval of multiple individual projects over a multi-year time frame by submitting a Wetland Protection Plan conforming to the requirements of this section.

10.1017.82 Submission Requirements and Procedures

10.1017.821 Plan Contents: A Wetland Protection Plan shall include the following information:

(1) **Wetland** delineation, **wetland buffer**s (100 feet), limited cut areas (50 feet) and **vegetated buffer strip**s (25 feet).
(2) Existing **building**s, **structure**s, **street**s, **driveway**s and other site improvements.
(3) Calculations of existing **impervious surface** areas (total and within the **wetland buffer**). For a **manufactured housing park** these calculations shall be provided for each dwelling site and for the park as a whole.
(4) Proposed protective measures (e.g., rain gardens, tree plantings, shrub plantings).
(5) Calculations of areas of protective measures and proposed or potential future **impervious surface**s.

10.1017.822 Initial Submission, Review and Approval Procedures: The initial Wetland Protection Plan shall be submitted to the Planning Department and shall be processed following the procedures for an application for a conditional use permit under Section 10.1017.30 and 10.1017.40.

10.1017.823 Effect of Plan Approval: The grant of a conditional use

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permit for a Wetland Protection Plan represents an overall pre-approval of impacts within the **wetland buffer** as

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described on the Plan, subject to the submission of individual site plans in connection with application for a **building permit** that represents a change or increase in **impervious surface** within the **wetland buffer**.

10.1017.824 Permit Site Plans:

(1) Following the approval of a Wetland Protection Plan, each application for a **building permit** that proposes a relocation of or increase in **impervious surface** within the **wetland buffer** shall be accompanied by a permit site plan showing the specific **impervious surface** changes and the specific protective measures proposed as compensation. Said protective measures shall be completed prior to or concurrently with the proposed **impervious surface** impact for which they provide compensation.

(2) The Planning Director may approve a permit site plan that is consistent with an approved Wetland Protection Plan.

(3) If the Planning Director determines that a permit site plan proposes a significant change from the approved Wetland Protection Plan, the owner shall submit an application to the Conservation Commission and Planning Board for an amendment to the conditional use permit.

10.1017.825 Plan Updates: After every 10 **building permit**s have been issued under an approved Wetland Protection Plan, whether authorized administratively or by conditional use permit, the owner shall submit an updated Wetland Protection Plan showing the new existing site conditions and including updated calculations. The updated Plan shall also serve as an application for administrative site plan approval for all site changes that have been made since the previously approved Plan or Plan amendment.

10.1017.83 Wetland Protection Plan Standards

10.1017.831 Except as otherwise provided in this Article, ~~N~~no net increase in **impervious surface** within the **wetland buffer**: **Building**s, **structure**s or other **impervious surface**s may be constructed, expanded or relocated within the **wetland buffer** provided that (1) no new **impervious surface** shall be within 25 feet of the **wetland** boundary, and (2) any new area converted to **impervious surface** shall be compensated for at a 1:1 ratio by the conversion of existing **impervious surface** within the **wetland buffer** to vegetated **open space** (lawn or planted areas). Such

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compensatory **open space** does not need to be shown on the approved Wetland Protection Plan, but shall be shown on the permit site plan submitted with the **building permit** application.

10.1017.832 Net increase in **impervious surface** within the **wetland buffer** with compensation: **Building**s, **structure**s or other **impervious surface**s may be constructed, expanded or relocated within the **wetland buffer** provided that (1) no new **impervious surface** shall be within 25 feet of the **wetland** boundary, and (2) the net increase in **impervious surface** shall be compensated for by protective measures that are shown on the approved Wetland Protection Plan at the following ratios:

Protective Measure	Ratio of protective measure area to net **impervious surface** area	
	25'-50' from **wetland**	50'-100' from **wetland**
Rain garden	3.0:1	2.0:1
Tree plantings	3.0:1	2.0:1
Shrub plantings	3.0:1	2.0:1

10.1017.833 Any increase in permanent **impervious surface** permitted through the provision of compensating protective measures shall also permit a temporary impact within the **wetland buffer** equal to two times the area of the permanent impact.

10.1017.834 Any increase in permanent impervious surface, wetlands impacts or wetlands buffer impacts for development proposals containing or redeveloping a site with a commercial use shall be allowed only if approved by conditional use permit pursuant to section 10.1017.51.

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10.1018 Performance Standards

10.1018.10 Stormwater Management

All construction activities and **use**s of **building**s, **structure**s, and land within **wetland**s and **wetland buffer**s shall be carried out so as to minimize the volume and rate of stormwater runoff, the amount of erosion, and the export of sediment from the site. All such activities shall be conducted in accordance with **Best Management Practice**s for stormwater management including but not limited to:

1. *New Hampshire Stormwater Manual*, NHDES, current version.

2. *Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials*, NHDES, January 2004.

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10.1018.20 Vegetation Management

10.1018.21 The required **wetland buffer** includes two smaller areas where additional standards and criteria apply: a **vegetated buffer strip** and a limited cut

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area. The width of these areas shall be based on the type of jurisdictional area, as follows:

Jurisdictional Area	**Vegetated Buffer Strip**	Limited Cut Area
Vernal pool	0' - 50'	50' - 75'
Inland wetland, other than **vernal pool**	0' - 25'	25' - 50'
Non-tidal perennial stream or river	0' - 25'	25' - 75'
Inter-tidal area or **tidal wetland** as specified in section 10.1013.40	0' - 25'	25' - 50'

10.1018.22 If the **vegetated buffer strip** specified in Section 10.1018.21 contains an area that has a slope of 10% or more for at least 10 feet in a direction perpendicular to the edge of the jurisdictional area, the required width of the **vegetated buffer strip** shall be increased to 55 feet from the edge of a **vernal pool** and to 40 feet from the edge of any other **wetland**.

10.1018.23 Removal or cutting of vegetation:

(1) Chemical control of vegetation is prohibited in all areas of a **wetland** or **wetland buffer**.

(2) The removal or cutting of vegetation is prohibited in a **wetland** or **vegetated buffer strip**, except that non-chemical control of plants designated by the State of New Hampshire as "New Hampshire Prohibited Invasive Species" is permitted.

(3) The removal of more than 50% of trees greater than 6" diameter at breast height (dbh) is prohibited in the limited cut area.

10.1018.24 Fertilizers:

(1) The use of any fertilizer is prohibited in a **wetland**, **vegetated buffer strip** or limited cut area.

(2) The use of fertilizers other than low phosphate and slow release nitrogen fertilizers is prohibited in any part of a **wetland buffer**.

10.1018.25 Pesticides and herbicides:

The use of pesticides or herbicides is prohibited in a **wetland** or **wetland buffer**, except that application of pesticides by a public agency for public health purposes is permitted.

Article 10 Environmental Protection Standards

Section 10.1010 Wetlands Protection

Article 10.1010 was first established on December 18, 1995 and last updated on XXXX.

For definitions, please refer to Article 15.

10.1011 Purpose

The purposes of this Section are:

(1) To maintain, and where possible improve, the quality of surface waters and ground water by controlling the rate and volume of stormwater runoff and preserving the ability of **wetland**s to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen.

(2) To prevent the destruction of, or significant changes to, **wetland**s, related water bodies and adjoining land which provide **flood** protection, and to protect **person**s and property against the hazards of **flood** inundation by assuring the continuation of the natural or existing flow patterns of streams and other water courses within the City.

(3) To protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.

(4) To protect, and where possible improve, wildlife habitats and maintain ecological balance.

(5) To protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.

(6) To protect, and where possible improve, shellfish and fisheries.

(7) To prevent the expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of **wetland**s.

(8) To require the use of **best management practices** and **low impact development** in and **adjacent** to **wetland** areas.

(9) To assist in protecting and improving the future of Portsmouth's resiliency with regard to climate change impacts and maintaining carbon neutrality.

10.1012 Relationship to Other Regulations

10.1012.10 The provisions and criteria set forth in this Section are in addition to the provisions of applicable state and federal laws and regulations, other sections of this Zoning Ordinance, and other local ordinances and regulations.

10.1012.20 Where any provision of this Section conflicts with a state or federal law or regulation, another section of this Zoning Ordinance, or another local ordinance or regulation, the more restrictive provision shall apply.

10.1012.30 Nothing in this Section shall permit a **use** or activity which is contrary to any other provision of the Zoning Ordinance.

10.1012.40 Notwithstanding any other provisions of the Zoning Ordinance, the City of Portsmouth and its administrative and operating agencies and instrumentalities shall comply with the provisions of this Section.

10.1013 Jurisdictional Areas

The provisions of this Section 10.1010 apply to the following jurisdictional areas:

10.1013.10 Any **inland wetland**, other than a **vernal pool**, that is 10,000 square feet or more in area;

10.1013.20 Any **vernal pool** regardless of area.

10.1013.30 Any non-tidal perennial river or stream.

10.1013.40 The **tidal wetland**s of Sagamore Creek, Little Harbour, North Mill Pond, South Mill Pond and part of the Piscataqua River, defined as follows:

(a) Sagamore Creek: Bounded by the easterly side of Peverly Hill Road and the southerly side of Greenleaf Avenue as these cross Sagamore Creek, and extending along the Creek to Little Harbour.

(b) Little Harbour: Extending along the Little Harbour shoreline from the municipal line with the Town of Rye to the southerly side of New Castle Avenue, and including Goose Island, Belle Island, Pest Island and that portion of Shapleigh Island lying south of New Castle Avenue.

(c) North Mill Pond: Extending along the entire shoreline of North Mill Pond between Bartlett Street and Market Street.

(d) South Mill Pond: Extending along the entire shoreline of South Mill Pond west of the tide gate at Pleasant Street.

(e) Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.

10.1014 Identification and Delineation of Wetlands and Wetland Buffers

10.1014.10 Wetlands

10.1014.11 **Wetland**s shall be identified by use of the **Federal Manual** and/or **Field Indicators**, and shall be delineated by on-site inspection of soil types, vegetation, and hydrology by a **certified wetland scientist** at a time when conditions are favorable for such determination.

10.1014.12 A **created wetland** shall be considered a **wetland** for the purposes of this section.

10.1014.13 Any area which may have been a **wetland** but was filled prior to January 1, 1970 or pursuant to properly issued federal, state and local permits granted prior to the adoption of this Ordinance shall be judged according to the conditions existing at the time an application for a **building permit** or subdivision is filed or submitted.

10.1014.14 An existing connection between an **inland wetland** and a bordering **tidal wetland** shall constitute one resource for the purposes of assessing jurisdictional wetland sizes.

10.1014.20 Wetland Buffers

10.1014.21 The purpose of a **wetland buffer** is to reduce erosion and sedimentation into the **adjacent wetland**, **vernal pool** or water body, to aid in the control of nonpoint source pollution, to provide a vegetative cover for filtration of runoff, to protect wildlife habitat, and to help preserve ecological balance.

10.1014.22 The required **wetland buffer** for a jurisdictional **wetland** or water body shall be defined as all land within 100 feet of the jurisdictional area.

10.1014.23 **Wetland buffer**s, including **no cut/vegetated buffer strip**s and limited cut areas (See Table 10.1018.21), shall be parallel to and measured from the **reference line** for the applicable jurisdictional area on a horizontal plane.

(1) **Inland wetland buffer**s shall be measured from the edges of **inland wetland**s and surface water bodies.

(2) **Tidal wetland buffer**s shall be measured from the edges of **tidal wetland**s and **highest observable tide line**s.

10.1015 Notification to Planning and Sustainability Director

Notice shall be provided to the Planning and Sustainability Director prior to any construction, **demolition**, tree cutting, vegetation removal, **ground disturbance** or other **alteration** in a **wetland** or **wetland buffer**.

10.1016 Permitted Uses

10.1016.10 The following **use**s, activities and **alteration**s are permitted in **wetland**s and **wetland buffer**s:

(1) Any **use** that does not involve the erection or construction of any **structure** or **impervious surface**, will not alter the natural surface configuration by the addition of fill or by dredging with the exception of maintenance dredging within a previously permitted drainage swale, will not result in site **alteration**s, and is otherwise permitted by the Zoning Ordinance. Examples of such **use**s include forestry and tree farming, wildlife refuges, parks and recreational **use**s, conservation and nature trails, and **open space**s as permitted or required by the Zoning Ordinance or Subdivision Regulations.

(2) Improvements to existing public rights-of-way and **sidewalk**s.

(3) The construction of piers or docks, provided that all required local, state and federal approvals have been granted.

(4) The construction of an addition or extension to a **one-family** or **two-family dwelling** that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:

(a) The **footprint** area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the **footprint** of the principal heated **structure** existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar **building**s or **structure**s);

(b) The addition or extension shall be no closer to a **wetland** or water body than the existing principal **structure**; and

(c) The addition or extension shall conform with all other provisions of the Zoning Ordinance and with all other applicable ordinances and regulations of the City of Portsmouth.

(5) The use of motor vehicles, except for all-terrain vehicles, when necessary for any purpose permitted by this Ordinance.

(6) Emergency power generator outside the **wetland** and **no cut/vegetated buffer strip**, provided that the total **coverage** by equipment and any mounting pad shall not exceed ~~10~~12 square feet.

(7) **Use**s, activities and **alteration**s that are consistent with a Wetland Protection Plan that has been approved by the Planning Board through the grant of a conditional use permit.

(8) Construction of fences outside the **no cut/vegetated buffer strip**, provided that any posts are no wider than 3” in any dimension, and that there are no footings and no ground disturbance beyond the installation of the posts.

(9) Removal of trees within the **no cut/vegetated buffer strip** that are considered high risk and pose imminent danger to a structure on the property. This risk must be determined by an ISA Tree Risk Assessment Qualified Certified Arborist, or state equivalent, and approved by the Planning and Sustainability Director for each individual high-risk tree.

10.1016.20 Any **use**, activity or **alteration** not specifically permitted by Section 10.1016.10 above is prohibited unless authorized by the Planning Board through the grant of a conditional use permit. Any work completed without a permit is subject to fines and other penalties as deemed appropriate by the Planning and Sustainability Director. If a permit is sought after work has been completed within the jurisdictional areas, no other permits may be issued until the corresponding land use application has been closed out.

10.1016.30 When the Planning and Sustainability Director reasonably believes that an existing or proposed **use**, activity or **alteration** that is not specifically permitted by Section

10.1016.10 is located in a **wetland** or **wetland buffer**, and a conditional use permit has not been granted for such **use**, activity or **alteration**, the Planning and Sustainability Director may require a **wetland** delineation complying with Section 10.1014 in order to verify the location or absence of **wetland**s and determine whether the **use**, activity or **alteration** requires a conditional use permit.

10.1017 Conditional Uses

10.1017.10 General

The Planning Board is authorized to grant a conditional use permit for any **use** not specifically permitted in Section 10.1016.10, subject to the procedures and findings set forth herein.

10.1017.20 Application Requirements

10.1017.21 The application shall be in a form prescribed by the Planning Board, and shall include the following information:

(1) Location and area of **lot** and proposed activities and **use**s;

(2) Location and area of all jurisdictional areas (**vernal pool**, **inland wetland**, **tidal wetland**, river or stream) on the **lot** and within 250 feet of the **lot**;

(3) Location and area of **wetland buffer**s on the **lot**;

(4) Description of proposed construction, **demolition**, fill, excavation, or any other **alteration** of the **wetland** or **wetland buffer**;

(5) **Setback**s of proposed **alteration**s from property lines, jurisdictional areas and **wetland buffer**s;

(6) Location and area of **wetland** impact, new **impervious surface**, previously disturbed **upland**;

(7) Location and description of existing trees to be removed, other **landscaping**, grade changes, fill extensions, rip rap, culverts, utilities;

(8) Dimensions and **use**s of existing and proposed **building**s and **structure**s.

(9) Any other information necessary to describe the proposed construction or **alteration**.

(10) Provide a planting plan detailing species and proposed locations. Where possible, the square footage removed of natural vegetation or managed woodland shall be replanted with similar or more diverse groundcover (maintained lawn is not an acceptable groundcover), shrub, and/or trees as was existing.

(11) Provide location and description of proposed low impact development measures and best management practices for reducing overall impact to the jurisdictional areas.

10.1017.22 Where the proposed project will involve the temporary or permanent alteration of more than 250 sq. ft. of **wetland** and/or **wetland buffer**, the application shall provide information about the affected **wetland** and **wetland buffer** as follows:

(1) Up to 1,000 sq. ft. of **alteration** to the **wetland**: a **wetland** characterization that describes the type of **wetland** (e.g., emergent, scrub-shrub, forested), the percent of invasive species, and whether the **wetland** is seasonally flooded.
(2) More than 1,000 sq. ft. of alteration to the **wetland**: a functions and values assessment equivalent to the model set forth in Appendix A of *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEEP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.
(3) More than 250 sq. ft. of alteration to the **wetland buffer** (regardless of the amount of **alteration** to the **wetland**): a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed.

10.1017.23 The application shall describe the impact of the proposed project with specific reference to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way), and shall demonstrate that the proposed site **alteration** is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Ordinance.

10.1017.24 Where feasible, the application shall include removal of **impervious surfaces** at least equal in area to the area of **impervious surface** impact. The intent of this provision is that the project will not result in a net loss of pervious surface within a jurisdictional wetland buffer. If it is not feasible to remove **impervious surfaces** from the wetland buffer at least equal in area to the area of new **impervious surface** impact, the application shall include a **wetland buffer** enhancement plan that describes how the wetland functions and values will be enhanced to offset the proposed impact.

10.1017.25 If required according to Section 10.1017.24, a **wetland buffer** enhancement plan shall be designed to enhance the functions of the jurisdictional **wetland** and/or **wetland buffer** on the lot, and to offset the impact of the proposed project.

(1) The **wetland buffer** enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, low impact development measures, improved site hydrology, or protective easements provided offsite.
(2) Where the **no cut/vegetated buffer strip** contains grass or non-native plantings, or is otherwise not intact, the first priority of the **wetland buffer** enhancement plan shall be to include revegetation of the vegetated buffer strip with native, low-maintenance shrubs and other woody vegetation.

10.1017.26 Where the proposed project involves a use, activity or alteration in a **tidal wetland** or **tidal wetland buffer**, the application shall demonstrate how the proposed project is adapting to sea level rise and includes a **living shoreline** strategy to preserve the existing natural shoreline and/or encourage establishment of a **living shoreline** through restoration, as applicable. Said **living shoreline** strategy shall be implemented unless the Planning Board determines that it is not feasible.

10.1017.27 Where feasible, the application shall include: wildlife corridors and habitat protection measures including but not limited to: curb cuts, slant edge curbing, amphibian tunnels and space under fences to permit wildlife passage and the use of "bird friendly" windows.

10.10.17.28 Where feasible, light and noise pollution should be reduced.

10.1017.29 Where feasible, the application shall include measures to reduce impacts from stormwater and erosion.

10.1017.30 Application Review Procedure

10.1017.31 The application for a conditional use permit shall be submitted to the Planning and Sustainability Director.

10.1017.32 The Planning and Sustainability Director shall refer the application to the Conservation Commission for review and comment.

10.1017.33 The Planning Board or the Planning and Sustainability Director may require the findings of an independent New Hampshire **certified wetland scientist** or other additional special investigative studies, and may assess the owner reasonable fees to cover the costs of such studies and for the review of documents required by application.

10.1017.34 The Planning Board shall hold a public hearing on the application within 90 days of the initial submittal to the Planning Board, and shall issue a letter of decision within 10 days of the public hearing. The time requirements stated herein may be waived by the applicant.

10.1017.35 Public notice for public hearings shall be made in accordance with State law.

10.1017.36 The application process pursuant to this section may proceed prior to and/or run concurrent with the State and Federal permit processes, but the conditional use permit shall not become effective until the State and Federal permits are received.

10.1017.40 Conditional Use Approval

10.1017.41 The Planning Board shall grant a conditional use permit provided that it finds that all other restrictions of this Ordinance are met and that proposed **development** meets all the criteria set forth in section 10.1017.50 or 10.1017.60, as applicable.

10.1017.42 The Planning Board shall evaluate an application for a conditional use permit in accordance with *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEEP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.

10.1017.43 The burden of proof that the criteria required for approval of the conditional use permit exist or are met shall be the responsibility of the applicant.

10.1017.44 Economic considerations alone are not sufficient reason for granting a conditional use permit.

10.1017.45 Where new **impervious surface** is proposed in a **wetland** or **wetland buffer**, the submission of a plan to compensate for such new **impervious surface** does not guarantee that a conditional use permit will be granted.

10.1017.46 Property constraints such as setbacks, view corridors and economic considerations are not justification for needing to site a project (or portion of a project) within the wetland buffer.

10.1017.50 Criteria for Approval

Any proposed **development**, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

(1) The land is reasonably suited to the **use**, activity or **alteration**.

(2) There is no alternative location outside the **wetland buffer** that is feasible and reasonable for the proposed **use**, activity or **alteration**.

(3) There will be no adverse impact on the **wetland** functional values of the site or surrounding properties;

(4) **Alteration** of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

(5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section.

(6) Any area within the **no cut/vegetated buffer strip** will be returned to a natural state to the extent feasible.

(7) Wetland boundary markers will be permanently placed on-site to mark the wetland and wetland buffer as appropriate and assist in educating the community on sensitive wetlands. Wetland boundary markers are available for purchase through the City of Portsmouth Planning & Sustainability Department and shall be installed prior to the commencement of site work.

10.1017.60 Public and Private Utilities within Rights-of-Way in Wetlands and Wetland Buffers

The installation of utilities (including power lines and pipelines) within a right-of-way in an **inland wetland** or **wetland buffer** shall comply with all of the following criteria instead of the criteria set forth in section 10.1017.50:

(1) The proposed construction is in the public interest;

(2) Design, construction, and maintenance methods will utilize **best management practice**s to minimize any detrimental impact of such **use** upon the **wetland** and will include restoration of the site as nearly as possible to its original grade, condition and vegetated state;

(3) No alternative feasible route exists which does not cross or alter a **wetland** or have a less detrimental impact on a **wetland**; and

(4) **Alteration**s of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

10.1017.70 Expiration and Extension

10.1017.71 A conditional use permit shall expire one year after the date of approval by the Planning Board unless a **building permit** is issued prior to that date. If a conditional use permit does not require a building permit, such as a restoration plan or after-the-fact permit, then the conditional use permit shall expire one year after the date of approval by the Planning Board unless site work has commenced on the project.

10.1017.72 The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date. Any other extension may be granted only after a new public hearing on the reconsideration of the application.

10.1017.80 Wetland Protection Plan

10.1017.81 General

10.1017.811 The owner of a parcel that contains more than 5 acres and more than 5 residential **structure**s may apply for a conditional use permit for pre-approval of multiple individual projects over a multi-year time frame by submitting a Wetland Protection Plan conforming to the requirements of this section.

10.1017.82 Submission Requirements and Procedures

10.1017.821 Plan Contents: A Wetland Protection Plan shall include the following information:

(1) **Wetland** delineation, **wetland buffer**s (100 feet), limited cut areas (50-100 feet) and **no cut/vegetated buffer strip**s (25 feet).
(2) Existing **building**s, **structure**s, **street**s, **driveway**s and other site improvements.
(3) Calculations of existing **impervious surface** areas (total and within the **wetland buffer**). For a **manufactured housing park** these calculations shall be provided for each dwelling site and for the park as a whole.
(4) Proposed protective measures (e.g., rain gardens, tree plantings, shrub plantings).
(5) Calculations of areas of protective measures and proposed or potential future **impervious surface**s.

10.1017.822 Initial Submission, Review and Approval Procedures: The initial Wetland Protection Plan shall be submitted to the Planning Department and shall be processed following the procedures for an application for a conditional use permit under Section 10.1017.30 and 10.1017.40.

10.1017.823 Effect of Plan Approval: The grant of a conditional use permit for a Wetland Protection Plan represents an overall pre-approval of impacts within the **wetland buffer** as described on the Plan, subject to the submission of individual site plans in connection with application for a **building permit** that represents a change or increase in **impervious surface** within the **wetland buffer**.

10.1017.824 Permit Site Plans:

(1) Following the approval of a Wetland Protection Plan, each application for a **building permit** that proposes a relocation of or increase in **impervious surface** within the **wetland buffer** shall be accompanied

by a permit site plan showing the specific **impervious surface** changes and the specific protective measures proposed as compensation. Said protective measures shall be completed prior to or concurrently with the proposed **impervious surface** impact for which they provide compensation.

(2) The Planning and Sustainability Director may approve a permit site plan that is consistent with an approved Wetland Protection Plan.

(3) If the Planning and Sustainability Director determines that a permit site plan proposes a significant change from the approved Wetland Protection Plan, the owner shall submit an application to the Conservation Commission and Planning Board for an amendment to the conditional use permit.

10.1017.825 Plan Updates: After every 10 **building permit**s have been issued under an approved Wetland Protection Plan, whether authorized administratively or by conditional use permit, the owner shall submit an updated Wetland Protection Plan showing the new existing site conditions and including updated calculations. The updated Plan shall also serve as an application for administrative site plan approval for all site changes that have been made since the previously approved Plan or Plan amendment.

10.1017.83 Wetland Protection Plan Standards

10.1017.831 No net increase in **impervious surface** within the **wetland buffer**: **Building**s, **structure**s or other **impervious surface**s may be constructed, expanded or relocated within the **wetland buffer** provided that (1) No blasting is required, (~~1~~2) no new **impervious surface** shall be within ~~25~~50 feet of the **wetland** boundary, and (~~2~~3) any new area converted to **impervious surface** shall be compensated for at a 1:1 ratio by the conversion of existing **impervious surface** within the **wetland buffer** to vegetated **open space** (~~lawn or~~planted areas). Such compensatory **open space** does ~~not~~ need to be shown on the approved Wetland Protection Plan, ~~but~~ and shall be shown on the permit site plan submitted with the **building permit** application.

10.1017.832 Net increase in **impervious surface** within the **wetland buffer** with compensation: **Building**s, **structure**s or other **impervious surface**s may be constructed, expanded or relocated within the **wetland buffer** provided that (1) no new **impervious surface** shall be within ~~25~~50 feet of the **wetland** boundary, and (2) the net increase in **impervious surface** shall be compensated for by protective measures that are shown on the approved Wetland Protection Plan at the following ratios:

Protective Measure	Ratio of protective measure area to net **impervious surface** area	
	25’-50’ from **wetland**	50’-100’ from **wetland**
Rain garden	3.0:1	2.0:1
Tree plantings	3.0:1	2.0:1
Shrub plantings	3.0:1	2.0:1

10.1017.833 Any increase in permanent **impervious surface** permitted through the provision of compensating protective measures shall also permit a temporary impact within the **wetland buffer** equal to two times the area of the permanent impact.

10.1018 Performance Standards

10.1018.10 Stormwater Management

All construction activities and **use**s of **building**s, **structure**s, and land within **wetland**s and **wetland buffer**s shall be carried out so as to minimize the volume and rate of stormwater runoff, the amount of erosion, and the export of sediment from the site. All such activities shall be conducted in accordance with **Best Management Practice**s for stormwater management including but not limited to:

1. *New Hampshire Stormwater Manual*, NHDES, current version.

2. *Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials*, NHDES, January 2004.

10.1018.20 Vegetation Management

10.1018.21 The required **wetland buffer** includes two smaller areas where additional standards and criteria apply: a **no cut/vegetated buffer strip** and a limited cut area. The width of these areas shall be based on the type of jurisdictional area, as follows:

Jurisdictional Area	**No Cut/Vegetated Buffer Strip**	Limited Cut Area
Vernal pool	0’ - 25’	50’ - ~~75~~100’
Inland wetland, other than **vernal pool**	0’ - 25’	~~25~~50’ - ~~50~~100’
Non-tidal perennial stream or river	0’ - 25’	~~25~~50’ - ~~75~~100’
Inter-tidal area or **tidal wetland** as specified in section 10.1013.40	0’ - 25’	~~25~~50’ - ~~50~~100’

10.1018.22 If the **no cut/vegetated buffer strip** specified in Section 10.1018.21 contains an area that has a slope of 10% or more for at least 10 feet in a direction perpendicular to the edge of the jurisdictional area, the required width of the **no cut/vegetated buffer strip** shall be increased to ~~55~~100 feet from the edge of a **vernal pool** and to ~~40~~100 feet from the edge of any other **wetland**.

10.1018.23 Removal or cutting of vegetation:

(1) Chemical control of vegetation is prohibited in all areas of a **wetland** or **wetland buffer**.

(2) The removal or cutting of vegetation is prohibited in a **wetland** or **no cut/vegetated buffer strip**, except that non-chemical control of plants designated by the State of New Hampshire as "New Hampshire Prohibited Invasive Species" is permitted.

(3) The removal of any trees in the wetland and buffer is discouraged, and removal of trees greater than 6" diameter at breast height (dbh)~~more than 50% of trees greater than 6" diameter at breast height (dbh)~~ is prohibited in the 100' wetland buffer area~~limited cut area~~.

10.1018.24 Fertilizers:

(1) The use of any fertilizer is prohibited in a **wetland**. ~~**buffer strip** or limited cut area.~~

(2) The use of fertilizers other than low phosphate and slow release nitrogen fertilizers in compliance with NOFA standards is prohibited in any part of a **wetland buffer**.

10.1018.25 Pesticides and herbicides:

The use of pesticides or herbicides is prohibited in a **wetland** or **wetland buffer**, except that application of pesticides by a public agency for public health purposes is permitted.

Section 10.1018.30 Porous Pavement in Wetland Buffer

10.1018.31 All new pavement installed in a **wetland buffer** shall be porous pavement. The Planning Board may allow exceptions to this requirement where it can be demonstrated that the height of ground water, condition of soil, or other factors as described in the application are not appropriate for porous pavement.

10.1018.32 An application that proposes porous pavement in a **wetland buffer** shall include a pavement maintenance plan addressing erosion control, periodic removal of sediment and debris from the porous surfaces, snow management, and repairs.

10.1018.40 Wetland Boundary Markers

Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed ~~during~~ prior to project construction.

10.1018.50 Snow Removal and Management in Private Parking Lots and Roadways.

An application with parking lots and/or roadways on site must designate and mark with signage in the field and on plans snow storage areas and covered salt storage outside of the 50' wetland buffer. If snow storage areas outside of the 50' buffer are not possible, the snow must be transported off site. A winter maintenance plan must be submitted and work must be performed by Green SnowPro certified companies.

Section 10.1020 Earth Products Removal and Placement

10.1021 Applicability and Permit Requirements

10.1021.10 The removal or placement of more than 100 cubic yards of sod, loam, sand, gravel or quarried stone at any premises in any 1 year shall require a permit from the Planning Board except when incidental to and in connection with the construction of a **building**, **street** or other activity authorized by this Ordinance.

10.1021.20 Any removal or placement of earth products shall comply with State law regardless of whether a permit from the Planning Board is required.

10.1022 Application Requirements

10.1022.10 An application for a permit for earth products removal or placement shall be submitted to the Planning Board in a form specified by the Board.

10.1022.20 The application shall be accompanied by a plan of land, prepared and stamped by a registered land surveyor or civil engineer, showing the following information for the property where the proposed removal or placement of materials is to take place and for all land located within 100 feet of the property:

(a) property lines;
(b) vegetative cover;
(c) all man-made features;
(d) existing topography by 4-foot contour intervals;
(e) proposed temporary and permanent drainage;
(f) proposed topography at 2-foot contours upon completion of the excavation project.

10.1022.30 The estimated quantity of material to be removed or placed and topsoil to be stripped, stockpiled and replaced shall be determined by average end area methods or as approved by the Department of Public Works.

10.1023 Criteria for Approval

The Planning Board shall grant a permit for earth products removal or placement only if a majority of the Board finds that the application complies with all of the following criteria:

10.1023.10 The application is complete and provides sufficient information upon which to base an action; and

10.1023.20 The proposed earth products removal or placement activity will not result in any hazard to the public or to **adjacent** properties; and

10.1023.30 The proposed earth products removal or placement activity will not create a safety hazard due to traffic or other cause; and

10.1023.40 The proposed earth products removal or placement activity will not result in a reduction in property values or a change in the character of a residential neighborhood.

10.1024 Conditions of Approval

10.1024.10 A permit for earth products removal or placement shall specify conditions pertaining to:

(a) Control of drainage so as to prevent any adverse impact on adjoining parcels during and after work;

(b) Disposition of boulders, vegetation, stumps and other debris including unused material and any **structure**s used in connection with the operations;

(c) The construction of necessary fencing to protect against hazards;

(d) Vegetation to remain as a visual barrier;

(e) Hours of operation;

(f) Routes for transportation of materials and method of transportation so as to minimize impact on surrounding parcels;

(g) **Setback**s of the proposed removal from public rights of way and property lines shall be specified;

(h) The finished level and grading; and

(i) The placing of topsoil for purposes of seeding and planting to prevent erosion or dust.

10.1024.20 A permit for earth products removal, except in a stone quarry, shall specify the following additional conditions for restoring the site upon completion of excavation:

(a) The finished slope shall not exceed a grade of 1 foot vertical distance for each 2 feet of horizontal distance unless stabilized in a manner approved by the Planning Board, which may include the use of rip-rap or retaining walls.

(b) Topsoil shall be placed on finished slopes to a depth of at least 6 inches and shall be seeded and planted with materials approved by the Planning Board and the Conservation Commission.

10.1024.30 A permit for earth products removal or placement shall require the provision of a security in a form and amount approved by the Planning Board, sufficient to guarantee completion of the work in accordance with the conditions in 10.1024.10 and 10.1024.20.

10.1025 Performance Standards

10.1025.10 Earth products removal and placement activities shall respect the existing elevations at all **lot line**s with abutting properties, and shall not raise or lower the finished grades at a side or **rear lot line** in such a way as to create any condition that may be detrimental or depreciating to abutting **lot**s or **use**s.

10.1025.20 Any raising or lowering of finished grades or construction of drainage facilities, swales or retaining walls at a property line shall be subject to review and approval by the **Code Official**.

10.1025.30 Earth products removal and placement activities shall be designed and carried out so that stormwater either will be infiltrated on site or will flow to a public surface drainage system or existing natural drainage course, both during the activity and upon completion and final grading. Such activities shall utilize stormwater **Best Management Practice**s as set forth in the Planning Board's Site Plan Review Regulations.

10.1025.40 No material used in the filling or raising of land within residential **lot**s shall include any garbage, ash or organic material, or any material detrimental to the stability of the **structure**, as determined by the **Code Official**.

10.1026 Expansion of Pre-Existing Earth Products Removal Activities

Where an earth products removal operation legally existed on a **lot** prior to December 18, 1995, the extension of such activity beyond the required **yard**s of the **lot**, or onto an **adjacent lot** in the same ownership, shall require a permit under this section and shall not be considered an extension of a **nonconforming use**.